The Farmingdale Code

TOWN OF FARMINGDALE, MAINE
CODE OF ORDINANCES (1986)
As Amended Through
June 18, 2026

June 13, 2019 Chapter 5, Article 11 Prohibiting Retail Marijuana Establishments & Retail Social Clubs New
June 13, 2019 Chapter 5, Article 12 Medical Cannabis Ordinance New
June 13, 2019 Chapter 5, Article 13 Local Food Ordinance New
June 16, 2022 Chapter 3, Article 2, 3-201,26-I Amended
June 13, 2024 Chapter 4, Article 1, 4-101 Permit Required Amended
June 13, 2024 Chapter 4, Article 13 Solar Array New
June 13, 2024 Chapter 4, Article 14 Use of Recreational Vehicles and Camping Ordinance New
June 12, 2025 Chapter 2, Article 2 Purchasing, Bidding and Contract Procedures Ordinance Amended
June 12, 2025 Chapter 2, Article 1 Budget Committee New
June 12, 2025 Chapter 4, Article 1, Article 2, Article 3, Article 4, Article 5, Article 6, Article 7, Article 8, Article9, Article 10, Article 11 and Article12 Amended LD2003
June 18, 2026 Chapter 2, Article 2 Purchasing, Bidding and Contract Procedures Amended
June 18, 2026 Chapter 4, Article 1, 4-101 Permit Required Amended
June 18, 2026 Chapter 4, Article 5, 4-601 Building Lots Amended
June 18, 2026 Chapter 4, Article 15 Land Use New

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THE FARMINGDALE CODE I

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PREFACE

June 28, 2014

The Farmingdale Code of Ordinances constitutes a revision and codification of the ordinances of the Town of Farmingdale effective June 28, 2014.

For the purposes of clarity and consistency Chapter, Article, and Section headings have been utilized and a uniform numbering system applied in most instances. Reference Chapter 1, Article 2 “Ordinance Preparation” for more details (page 1-5). Care should be taken to maintain this system when amending the Code. However, any document provided by the state such as General Assistance, Floodplain or Shoreland Zoning retain their original form and format as opposed to the stated form and format for Town ordinances for ease of future communications and reference with others.

Chapter 4 Article 11, “Floodplain Management” has the major subdivisions denoted as “Articles” instead of “Sections”. Therefore, this document is known as Article 12 of Chapter 4 but the subdivisions are also identified as Articles. It was not expedient to attempt to revise the identification sequence.

The Code is divided into seven (7) major sections or Chapters by general category. Each Chapter has one or more ordinances under that category which are generally defined as Articles; such as Chapter 3 Article 2. Each major subdivision of an Article (or the Ordinance) is further defined and numbered as a Section. For example, should one refer to Chapter 3 “Public Properties, Utilities and Solid Waste” and Article 2 “Sewer Use” one will note that the first subdivision is noted as: 3-201. Subsequent subdivisions are defined as 3-202, 3-203 etc. The “3” designates Chapter 3 and the “2” designates Article 2 of this chapter.

Chapter 1 General Provisions

ARTICLE 1 GENERAL PROVISIONS

An Ordinance to revise and codify the ordinances of the Town of Farmingdale.

Sec. 1-101 Adoption of Code

The Farmingdale Code of Ordinances (Code), as compiled and published, is hereby adopted by the Town of Farmingdale. This adopting ordinance shall be integrated into said Code as Chapter 1, General Provisions. The entire Code shall be considered as one ordinance known and cited as the Farmingdale Code. Copies of this Code are on file in the office of the Town Clerk for public inspection.

Sec. 1-102 Maintenance of Code

The Town Clerk shall maintain a copy of this Code in loose leaf form plus online. It shall be the duty of the Town Clerk to ensure that a current copy of this Code, including amendments and deletions, is available at all times for public inspection.

Sec. 1-103 Additions. Amendments and Deletions

Any additions, amendments or deletions to this Code, when passed in such form as to indicate the intention of the Town of Farmingdale to make the same a part hereof, shall be incorporated into this Code. Reference Chapter 1, Article 2 “Ordinance Preparation” (page 1-5).

Sec. 1-104 Continuation of Existing Ordinances

The provisions appearing in this Code, so far as they are in substance the same as the provisions of ordinances existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

Sec. 1-105 Conflicting Provisions

1. If the provisions of different chapters, articles, divisions or sections of this Code conflict with or contravene each other, the provisions of each chapter, article, division or section shall prevail as to all matters and questions growing out of the subject matter of that chapter, article, division or section.
2. If conflicting provisions are found in different sections of the same chapter, the provisions of the section last enacted shall prevail unless the construction is inconsistent with the meaning of the Chapter.
3. Where any conflict exists between a provision of this Code and Maine Revised Statutes, the latter shall prevail.

Sec. 1-106 Repeal of Prior Ordinances

This Code shall effect a repeal of all ordinances, orders and resolutions in effect prior to its adoption which are in conflict with its provisions.

Sec. 1-107 Vested Rights

All ordinances in force prior to the adoption of this Code continue in force thereafter for the sole purpose of preserving vested rights acquired under the former provisions.

Sec. 1-108 Fees

The fee schedule associated with various Articles is noted in the Appendix 1. The fee schedule is subject to revision by the Board of Selectmen after a public hearing, on a periodic basis.

Sec. 1-109 Severability

If any section, paragraph, sentence or clause contained in this Code shall for any reason be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair or invalidate the remainder of the rules, regulations and ordinances contained in the Code, but shall be confined in its operation to the section, paragraph, sentence, clause or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Sec. 1-110 General Penalty For Violation of Code: Continuing Violation

Any violation of this Code by any person shall be a civil violation. Any person whose act or failure to act is unlawful under this Code or whose conduct otherwise constitutes a violation of this Code shall be fined not less than twenty dollars ($20) nor more than one hundred dollars ($100) for each offense unless a greater or lesser fine for a specific violation is expressly provided. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any penalty imposed for a civil violation under this Code shall not preclude, and shall be in addition to, any other civil remedies that may be available to the Town.

Any person who violates this Code shall also be responsible for all costs incurred by the Town in its enforcement of the Code, including all reasonable attorney fees and expert witness fees and costs.

Revised: November 20, 2010

Revised: June 28, 2014

ARTICLE 2 ORDINANCE PREPARATION

This document is provided to establish a standardized procedure for the preparation of ordinances, review by appropriate groups, presentation at a Town Meeting and preparation of a final document for insertion in the Farmingdale Code of Ordinances. This document is an effort to attempt, wherever possible, to standardize the form and format of numerous ordinances. However, certain documents, especially those prepared by the state or federal governments, may be included in the Code of Ordinances as originally prepared for ease of future reference with the original preparers.

The form and format of draft documents may not necessarily reflect the final presentation filed in the Code of Ordinances. However, compliance with the requested guidelines will standardize the outline of future documents plus minimize the effort to prepare the final document for insertion into the Farmingdale Code of Ordinances. This document may eventually consist of two parts:

- Ordinance Development / Preparation
- Computer Formatted Details. Phase 1 is presented. Phase 2 may be prepared in the future.

1. Ordinance Development / Preparation

Ordinances are the means by which a municipality may specify certain requirements or procedures which may be required or unique for that community. An ordinance, or revision to an existing ordinance, may be requested by an individual, group or municipal officials. The Board of Selectmen may require that an individual obtain a petition under certain circumstances; if for no other reason than to assure that sufficiently others share similar concerns to justify the effort to prepare such a request. A request to prepare or revise an ordinance does not make the request a personal or private ordinance to be prepared solely as requested. Normally a request for a new ordinance, or revision to an existing ordinance, shall be accompanied with a written statement expressing what is desired, rationale for the request and available substantiating information to assist in the preparation of a document.

The Farmingdale Planning Board normally reviews requests to prepare or revise an ordinance. Under certain circumstances other Farmingdale Boards may prepare or revise an ordinance due to specialized expertise but with the knowledge of the Planning Board Upon preparing or reviewing an ordinance it is the responsibility of the Planning Board, as well as other Boards and the Selectmen, to prepare a document which is considered best for Farmingdale. Therefore, a request considered to be a rather minor revision to an ordinance may initiate consideration within the ordinance for revisions or amendments not previously contemplated.

Most ordinances require a public hearing followed by a vote of Farmingdale residents at a scheduled Town Meeting. Under a limited number of circumstances the Board of Selectmen may approve an ordinance; this does not require a public hearing or a vote by the Town's residents. The Planning Board normally conducts the public hearing to address a specific ordinance. The Planning Board may request another Board or others to be available to respond to questions or concerns if the material may be of a specialized nature or technical advice may be desired.

Farmingdale has assembled existing ordinances into a document entitled "Farmingdale Code of Ordinances"; sometimes referred to as the "Farmingdale Code". Unless

specifically addressed, any official, valid ordinance shall be posted or filed in the "Code of Ordinances".

2. Form & Format.

The format of any proposed ordinance document shall be prepared as follows:
Text. The text shall be Ariel. The size of print shall be 12 pt.
Paragraph structure. Paragraph structure shall be block style.
Margins:

Top	1.0".
Bottom	0.5"
Left side	1.0"
Right side	0.75"

A. Indents, Final Document. Indents of any final document shall be accomplished only by using the Bulleted Styles.

B. The margins for multiple indents shall be three (3) spaces as noted below (built into the style):

1) Section number: **Sec. X-XXX** – Using Style FdaleSecX-X
2) Primary subdivision: 1,2,3 - Using Style Fdale1
1) Secondary subdivision: A,B.C from item 1 – Using Style FdaleA
2) Tertiary subdivision: 1),2).3) from item 2 – Using Style FdaleSub1
3) Fourth subdivision: a),),c) from item 3 – Using Style FdaleSuba

C. Indents, Draft Documents. Indents of any draft document are preferred to be accomplished by using the Bulleted Styles but the use of the "Tab" key may be utilized. The margins for multiple tab indents shall be 0.25" each as noted below:

1) Primary subdivision: 1., 2., 3. (followed by one space). No indent.
2) Secondary subdivision: A., B., C. from item 1. (followed by one space). One (1) Indent of 0.25" total from left margin.
3) Tertiary subdivision: 1), 2), 3) from item 2. (followed by one space). Two (2) indents. Indent 0.50" total from left margin.
4) Fourth subdivision: a), b), c) from item 3. (followed by one space). Three (3) indents. Indent 0.75" total from left margin.

Indent examples:
1. (Primary Subdivision)
2.
3.

A. (Secondary Subdivision)
B.
C.

1). (Tertiary Subdivision)
2).
3).

a). (Fourth Subdivision)
b).
c).

D. Format, Final Document:

1) Chapter Heading. Using Heading 1. The header's chapter indicator text and footer's page number are dependent on this style.
2) Article Numbers. Using Heading 5. The footer's article indicator text is dependent on this style.
3) Section Numbers. Using Custom Style FdaleSect1-1, FdaleSect 1-2 and so on. Sometimes these can be stubborn when incrementing past 10 or 100 so using the bold NORMAL style is acceptable. Nothing is dependent on this style.

E. Format, Draft Document:

F. Chapter, Article and Section numbers are not expected for draft documents.

G. Title of Document: All cap, centered. Example: "**BOARD OF APPEALS**"

1) Major Section Title. Initial Cap. All bold. No underline. No period at end.

   Example: "**Sec. X-XXX General Provisions**". Include Section number if known.
2) Primary subdivision. (1, 2, 3) No indent. Initial Cap., No underline. Period at end.
3) Secondary indent. (A, B, C) Underline of heading acceptable but not necessary.

   Depends on document.
4) Exception. Definition names are underlined
5) Spaces between sentences; 2

Approved: June 28, 2014

Sample 1. Board of Appeals Ordinance. **Partial version as prepared**.
This is considered an excellent example of a document which is well written. Suitable for consideration of draft review and at Town Meeting

FARMINGDALE BOARD OF APPEALS ORDINANCE

I. GENERAL PROVISIONS:

A. Business of the Board shall be conducted in accord with Maine Statutes, Town Ordinances and Roberts' Rules of Order.

B. It shall be the responsibility of the Board to become familiar with all the duly enacted ordinances of the town which it may be expected to act upon as well as with the applicable state statutes.

II. APPOINTMENTS:

A. The Board shall consist of five (5) members appointed by the municipal officers of the Town of Farmingdale for terms of three (3) years.

B. Neither a municipal officer nor his or her spouse may be a member of the Board.

C. Any member of the Board may be removed from the Board, for cause, by the municipal officers before expiration of his or her term, but only after notice and an opportunity for a hearing at which the member in question has an opportunity to refute specific charges against him or her. The term, "for cause" shall include failure to attend four (4) consecutive Board meetings or hearings without sufficient justification, or voting when the member has a "conflict of interest."

D. When there is a permanent vacancy, the Chair shall immediately notify the Town Clerk. The municipal officers shall within 60 days appoint a person to serve for the unexpired term.

III. OFFICERS AND DUTIES:

A. The officers of the Board shall consist of a Chair and an Acting Chairperson, who shall be elected annually by a majority of the Board.

B. CHAIRPERSON. The chairperson shall perform all duties required by law and these by-laws and preside at all meetings of the Board. The Chairperson shall rule on issues of evidence, order, and procedure, and shall take such other actions as are necessary for the efficient and orderly conduct of hearings, unless directed otherwise by a majority of the Board. The Chairperson shall appoint any committees found necessary to carry out the business of the Board.

C. ACTING CHAIRPERSON. The Acting Chairperson shall serve in the absence of the Chairperson and shall have all the powers of the Chairperson during the Chairperson's absence, disability or disqualification.

D. SECRETARY. The Secretary, who shall not be a regular member of the Board, shall keep minutes of all Board proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Secretary shall also arrange proper and legal notice of hearings, attend to correspondence of the Board, and to other duties as are normally carried out by a secretary. The Secretary shall keep a record of all resolutions, transactions,

correspondence, findings and determinations of the Board, and shall prepare a complete record of each hearing, including: date(s), time(s), place(s) of the hearing(s); subject of the hearing; identification of each participant; any agreements made between parties and the Board regarding procedures; the testimony presented; findings of fact and conclusions; the decision of the Board; and the date of issuance of the decision. All records are public and may be inspected at reasonable times.

IV. CONFLICT OF INTEREST:

Any question of whether a particular issue involves a "conflict of interest" sufficient to disqualify a member from voting thereon, shall be decided by a majority vote of the members, except the member whose potential conflict is under consideration.

The term "conflict of interest" shall be construed to mean direct or indirect pecuniary interest, which shall include pecuniary benefit to any member of the person's immediate family (grandfather, father, wife, son, grandson, e.g.) or to his employer or the employer of any member of the person's immediate family.

V. POWERS AND LIMITATIONS

A. The Board shall have the following powers to be exercised only upon receipt of a written application for variance by the affected landowner or application for appeal by an aggrieved party: A request for a variance is a request to authorize something not allowed in the Farmingdale Code of Ordinances. A request for the appeal is a request for reconsideration of a decision made by others pertaining to the Farmingdale Code of Ordinances.

1. **VARIANCE**. Any person requesting a variance must file an application for such variance, in writing, on a form provided at the Town Clerk's office. The Board may grant a variance only where strict application of Articles VI and VII of the Farmingdale Code of Ordinances would cause undue hardship. The words "undue hardship" as used in this subsection mean:

a. That the land in question cannot yield a reasonable return unless a variance is granted;

b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

c. That the granting of a variance will not alter the essential character of the locality; and

d. The hardship is not a result of action taken by the applicant or prior owner.

If the Board grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form. This certificate must be recorded in the local registry of deeds within 90 days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded.

Notwithstanding the general variance standard provided above, the Board of Appeals may grant a variance to a property owner for the purpose of making that property accessible to a person with a

Partial version as prepared. Revised partial version to comply with established Form & Format. Suitable for consideration of draft review and at Town Meeting. Section numbers have been added but not expected in draft document.

FARMINGDALE BOARD OF APPEALS ORDINANCE

Sec. 4-701 General Provisions

1. Business of the Board shall be conducted in accord with Maine Statutes, Town Ordinances and Roberts' Rules of Order.

2. It shall be the responsibility of the Board to become familiar with all the duly enacted ordinances of the town which it may be expected to act upon as well as with the applicable state statutes.

Sec. 4-702 Appointments

1. The Board shall consist of five (5) members appointed by the municipal officers of the Town of Farmingdale for terms of three (3) years.

2. Neither a municipal officer nor his or her spouse may be a member of the Board.

3. Any member of the Board may be removed from the Board, for cause, by the municipal officers before expiration of his or her term, but only after notice and an opportunity for a hearing at which the member in question has an opportunity to refute specific charges against him or her. The term, "for cause" shall include failure to attend four (4) consecutive Board meetings or hearings without sufficient justification, or voting when the member has a "conflict of interest."

4. When there is a permanent vacancy, the Chair shall immediately notify the Town Clerk. The municipal officers shall within 60 days appoint a person to serve for the unexpired term.

Sec. 4-703 Officers and Duties

1. The officers of the Board shall consist of a Chair and an Acting Chairperson, who shall be elected annually by a majority of the Board.

2. Chairperson. The chairperson shall perform all duties required by law and these by-laws and preside at all meetings of the Board. The Chairperson shall rule on issues of evidence, order, and procedure, and shall take such other actions as are necessary for the efficient and orderly conduct of hearings, unless directed otherwise by a majority of the Board. The Chairperson shall appoint any committees found necessary to carry out the business of the Board.

3. Acting Chairperson. The Acting Chairperson shall serve in the absence of the Chairperson and shall have all the powers of the Chairperson during the Chairperson's absence, disability or disqualification.

4. Secretary. The Secretary, who shall not be a regular member of the Board, shall keep minutes of all Board proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Secretary shall also arrange proper and legal notice of hearings, attend to correspondence of the Board, and to other duties as are normally carried out by a secretary. The Secretary shall keep a record of all resolutions, transactions, correspondence, findings and determinations of the Board, and shall prepare a complete record of each hearing, including: date(s), time(s), place(s) of the hearing(s); subject of the hearing; identification of each participant; any agreements made between parties and the Board regarding procedures; the testimony presented; findings of fact and conclusions; the decision of the Board; and the date of issuance of the decision. All records are public and may be inspected at reasonable times.

Sec. 4-704 Conflict of Interest

1. Any question of whether a particular issue involves a "conflict of interest" sufficient to disqualify a member from voting thereon, shall be decided by a majority vote of the members, except the member whose potential conflict is under consideration.

2. The term "conflict of interest" shall be construed to mean direct or indirect pecuniary interest, which shall include pecuniary benefit to any member of the person's immediate family (grandfather, father, wife, son, grandson, e.g.) or to his employer or the employer of any member of the person's immediate family.

Sec. 4-705 Powers and Limitations

1. The Board shall have the following powers to be exercised only upon receipt of a written application for variance by the affected landowner or application for appeal by an aggrieved party:

2. Variance. A request for a variance is a request to authorize something not allowed in the Farmingdale Code of Ordinances.

A. Any person requesting a variance must file an application for such variance, in writing, on a form provided at the Town Clerk’s office. The Board may grant a variance only where strict application of Articles VI and VII of the Farmingdale Code of Ordinances would cause undue hardship. The words "undue hardship" as used in this subsection mean:

1) That the land in question cannot yield a reasonable return unless a variance is granted;

2) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

3) That the granting of a variance will not alter the essential character of the locality; and

4) The hardship is not a result of action taken by the applicant or prior owner.

Sample 3. Board of Appeals**.**

Partial version as prepared. Final partial version included in the Farmingdale Code of Ordinances.

The following document reflects the final version of the Farmingdale Board of Appeals Ordinance to be enclosed in the Farmingdale Code of Ordinances. The emphasis of this document is to show the final form and format.

FARMINGDALE BOARD OF APPEALS ORDINANCE

Sec. 4-701 General Provisions

1. Business of the Board shall be conducted in accord with Maine Statutes, Town Ordinances and Roberts' Rules of Order.
2. It shall be the responsibility of the Board to become familiar with all the duly enacted ordinances of the town which it may be expected to act upon as well as with the applicable state statutes.

Sec. 4-702 Appointments

1. The Board shall consist of five (5) members appointed by the municipal officers of the Town of Farmingdale for terms of three (3) years.
2. Neither a municipal officer nor his or her spouse may be a member of the Board.
3. Any member of the Board may be removed from the Board, for cause, by the municipal officers before expiration of his or her term, but only after notice and an opportunity for a hearing at which the member in question has an opportunity to refute specific charges against him or her. The term, "for cause" shall include failure to attend four (4) consecutive Board meetings or hearings without sufficient justification, or voting when the member has a "conflict of interest."
4. When there is a permanent vacancy, the Chair shall immediately notify the Town Clerk. The municipal officers shall within 60 days appoint a person to serve for the unexpired term.

Sec. 4-703 Officers and Duties

1. The officers of the Board shall consist of a Chair and an Acting Chairperson, who shall be elected annually by a majority of the Board.
2. Chairperson. The chairperson shall perform all duties required by law and these by-laws and preside at all meetings of the Board. The Chairperson shall rule on issues of evidence, order, and procedure, and shall take such other actions as are necessary for the efficient and orderly conduct of hearings, unless directed otherwise by a majority of the Board. The Chairperson shall appoint any committees found necessary to carry out the business of the Board.
3. Acting Chairperson. The Acting Chairperson shall serve in the absence of the Chairperson and shall have all the powers of the Chairperson during the Chairperson's absence, disability or disqualification.

4. Secretary. The Secretary, who shall not be a regular member of the Board, shall keep minutes of all Board proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Secretary shall also arrange proper and legal notice of hearings, attend to correspondence of the Board, and to other duties as are normally carried out by a secretary. The Secretary shall keep a record of all resolutions, transactions, correspondence, findings and determinations of the Board, and shall prepare a complete record of each hearing, including: date(s), time(s), place(s) of the hearing(s); subject of the hearing; identification of each participant; any agreements made between parties and the Board regarding procedures; the testimony presented; findings of fact and conclusions; the decision of the Board; and the date of issuance of the decision. All records are public and may be inspected at reasonable times.

Sec. 4-704 Conflict of Interest

1. Any question of whether a particular issue involves a "conflict of interest" sufficient to disqualify a member from voting thereon, shall be decided by a majority vote of the members, except the member whose potential conflict is under consideration.
2. The term "conflict of interest" shall be construed to mean direct or indirect pecuniary interest, which shall include pecuniary benefit to any member of the person's immediate family (grandfather, father, wife, son, grandson, e.g.) or to his employer or the employer of any member of the person's immediate family.

Sec. 4-705 Powers and Limitations

1. The Board shall have the following powers to be exercised only upon receipt of a written application for variance by the affected landowner or application for appeal by an aggrieved party.
2. Variance. A request for a variance is a request to authorize something not allowed in the Farmingdale Code of Ordinances.
   A. Any person requesting a variance must file an application for such variance, in writing, on a form entitled “Application for Variance” provided at the Town Clerk’s office. Reference is made to “Appendix A” Application for Variance of this Article. The Board may grant a variance only where strict application of Articles VI and VII of the Farmingdale Code of Ordinances would cause undue hardship. The words "undue hardship" as used in this subsection mean:
      1) That the land in question cannot yield a reasonable return unless a variance is granted;
      2) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
      3) That the granting of a variance will not alter the essential character of the locality; and
      4) The hardship is not a result of action taken by the applicant or prior owner.
      5) If the Board grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance,

Chapter 2 Administration

ARTICLE 1 TOWN OFFICIALS

Sec. 2-101 General

The Town of Farmingdale has a Town Meeting-Selectman form of government. This document is intended to provide an overview of the activities related with Town Government for Farmingdale.

1. Town Meeting. The key to this traditional form of local government is the "Town Meeting". A Town Meeting is scheduled annually although special town meetings may be called by the selectmen or by a petition from Town residents. Should a petition be initiated the written petition must have a number of voters equal to at least 10% of the number of votes cast in Farmingdale at the last gubernatorial election, but in no case less than 10; reference Title 30-A Section 2521. The town meeting serves as the legislative body of the local government in that it passes most laws needed for the orderly governance of the town, approves a budget, levies the taxes, and elects various town officers.
2. Town Officers. The town officers elected at a town meeting consist of the Board of Selectmen (Board) who perform the executive function for this form of government throughout the year. The duty of the town officers is to "execute" the will of the people as has been expressed legislatively at a town meeting. The three selectmen in Farmingdale, by state law, have duties and responsibilities relating to town meetings and elections, finances, personnel, streets and highways, public safety, human services, public works, planning and others. State laws grant boards of selectmen some legislative powers as well. These include enacting laws or ordinances such as, but not limited to, regulating parking and traffic, and general assistance. These Town Officers are the only individuals who can legally represent the Town. Others who may have the term "officer" by virtue of title or by position in various groups are, in all reality considered "officials" and have no legal authority to represent the Town. The municipal officers are ultimately responsible for four broad areas of management:
   A. Management of the municipal finances.
   B. Protecting the health, safety and welfare of the residents, in accordance with federal, state and local laws and regulations.
   C. Management of public property and personnel.
   D. Management of contracts and relations with other state and local agencies and the public.
3. Home Rule Authority. Municipalities have home rule authority to adopt any ordinance which has not been expressly or implicitly preempted by state law. Home rule authority must be exercised by the legislative body of the municipality which is the town meeting. When an ordinance requires the approval of the legislative body, only the legislative body may amend it. An ordinance must be administered and enforced as adopted, unless the Farmingdale town attorney or other individual of appropriate legal standing advises otherwise because of legal concerns.
4. Local Participation. One of the most important elements of the town meeting form of government is that it provides citizens an opportunity to participate directly in the local government function. Participation is encouraged both at the town meeting plus at the scheduled board of selectmen meetings to express ones view. Local participation is also very much encouraged by participating in one or several boards in Farmingdale.
5. Communication with the Town Attorney or others who may charge a fee for services is limited to the town officers unless preauthorized to do so. Any individual or Board

shall perform such duties and exercise such powers as are provided by the Town Ordinances and the laws of the State of Maine or as requested by the Town Officers. Any appointed individual or Board may obtain goods and services necessary for the proper function within the limits of appropriations made for that purpose.

Sec. 2-102 Personnel

1. Farmingdale has several appointed positions, and one elected position which individually and collectively keep the Town of Farmingdale functioning. Without these positions it would be extremely difficult to maintain an orderly, adequately functioning town.

   A. Addressing Officer. This individual is appointed by the town officers to administer the "Town Enhanced 911 Addressing Ordinance". This individual is responsible to approve or assign road names for existing or proposed roads plus the structure numbers for all properties. Reference Chapter 5, Article 3 (page 5-10), "Enhanced 911 Addressing" for more information. An appointment to talk with the Addressing Officer may be made through the town office.

   B. Animal Control Officer (ACO). The ACO is appointed by the town officers whose duties include enforcement of animal control laws including local ordinances. Reference is made to Chapter 5 Article 5 entitled "Animal Control Ordinance" (page 5-16) for more specific information.

   C. Code Enforcement Officer (CEO). The duties of the Code Enforcement Officer are varied but this individual primarily enforces local building and environmental ordinances plus certain state laws such as Shoreland Zoning and Flood Plain laws. The CEO also acts as an advisor to the Planning Board and the Appeals Board. This is a part time position but scheduled hours are normally maintained. An appointment to talk with the CEO may be made through the town office.

      1) Appointment. The town officers shall annually by July 1st appoint or reappoint a Code Enforcement Officer. The Code Enforcement Officer may also be the local plumbing inspector or a building inspector and may or may not be a resident of the Town.

      2) Certification. No person may serve as a code enforcement officer who is authorized by the town officers to represent the Town in District Court unless the CEO is currently certified under 30-A M.R.S.A. § 4451, as being familiar with court procedures.

      3) Upon written authorization by the town officers, a certified code enforcement officer may serve civil process on persons whom he determines to be in violation of land use control laws and, if authorized by the town officers, may represent the Town in District Court in the prosecution of violations of land use control ordinances.

      4) Duties.

         a) Enforce the provisions of Article V of Chapter 3, and Chapter 4 of this Ordinance.

         b) Assist the Board of Selectmen for miscellaneous duties as requested.

         c) Collect a fee, if authorized, for every permit issued by the Code Enforcement Officer in accordance with the provisions of this ordinance. The fee shall be remitted to the Town.

            Assure an appropriate fee has been paid at the time any permit is issued.

d) Investigate complaints of alleged violations Article V of Chapter 3, of Land Use Control Articles, Chapter 4 of this ordinance or other concerns as requested by the Board of Selectmen.

e) Keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations, investigations, violations found and fees collected.

f) A permit application which has been denied shall be confirmed in writing to indicate the specific rational for the denial.

g) Perform inspections determined necessary as part of the permitting process. An additional fee as noted in the Appendix 1 shall be required if an additional inspection(s) is necessary due to work not being ready for inspection or necessary equipment not available at the time previously stated or if an expected individual does not show for the inspection. Final acceptance of a project shall not be approved until the additional fee has been paid in full.

h) Subject to Title 32, Chapter 33, the Code Enforcement Officer shall inspect all buildings while in the process of being repaired and see that all reasonable safeguards are used against the catching and spreading of fire and that the chimneys and flues are made safe. The CEO may give directions in writing to the owner as necessary concerning such repairs to render the building safe from the catching and spreading of fire.

i) Subject to the provisions of Title 10, Chapter 951, a new building may not be occupied until the Code Enforcement Officer has provided a Certificate of Occupancy as to be safe from fire. If the owner permits it to be so occupied without such certificate, the owner must be penalized in accordance with Title 30-A, Section 4452. In case the CEO for any cause declines to give that Certificate and the builder has in the builder's own judgment complied with Section 2353, an appeal may be taken to the Appeals Board and, if on such appeal it is decided by them that the section has been complied with, the owner of the building is not liable to a fine for want of the certificate of the Code Enforcement Officer.

D. Health Officer. The health officer is appointed by the municipal officers for a three year term. The general duties of the health officer are to assist the Department of Health and Human Services (DHHS) in the reporting, prevention and suppression of diseases and all conditions dangerous to health. The health officer is subject to the supervision and direction of the DHHS and the town officers but reports directly to the town officers.

E. Law Enforcement. Law enforcement within Farmingdale is performed by the State Police, Kennebec County Sheriff's Department and Farmingdale appointed Constables.

1) The Town Officers appoint Constables as the individual(s) responsible to primarily enforce local ordinances and perform certain other legal related services for the Town. Constables have the same statutory powers and duties as police officers except as specifically provided by the "certificate of appointment". Constables report to the Town Officers. This is a part-time position by all appointed individuals.

2) Farmingdale is also served by the Maine State Police plus the Kennebec County Sherriff's Department. These individuals report to their respective office.

F. Local Plumbing Inspector (LPI). This individual is appointed by the town officers after being certified as qualified by the state.

1) The LPI is responsible to assist Farmingdale residents as appropriate plus enforce state mandated laws which are administered by the individual towns. The LPI is responsible to perform numerous tasks pertaining to internal plumbing and subsurface wastewater disposal systems. This is a part time position. It is normally best to contact the LPI through the town office unless other arrangements are made.

2) Perform inspections determined necessary as part of the permitting process. An additional fee as noted in Appendix 1 shall be required if an another inspection(s) is necessary due to work not being ready for inspection or necessary equipment not available at the time previously stated or if an expected individual does not show for the inspection. Final acceptance of a project shall not be approved until the additional fee has been paid in full.

G. Road Commissioner. Effective June 28, 2014, this position is an elected position. Both the town officers, generally, and the road commissioner, specifically, are responsible for ensuring that municipal ways and bridges are safe and convenient for travelers. The Road Commissioner, while in charge of highway repair and maintenance, must act according to the general policies as determined by the municipal officers. The Road Commissioner reports to and works under the direction of the Board of Selectmen. The Road Commissioner acts as an advisor to the planning board and the highway committee. This individual does not work fulltime for the Town. Therefore, it may be more convenient to contact the Road Commissioner through the town office.

H. Sewer Inspector. A sewer inspector is the designated individual authorized to inspect any work related to the Farmingdale Public Sewer System. Reference Section 3-210 "Powers of Authority of Inspectors" (page 3-38) for additional information.

I. Town Clerk and Deputy Town Clerk. These positions, plus possibly additional staff, are the primary contacts for most Farmingdale residents. The Town Clerk (and Deputy Town Clerk) has a variety of complex duties to include administrative and financial duties. Considerable familiarity with local ordinances plus state and federal laws is a necessity. These individuals report to the town officers better known as the Board of Selectmen. These individuals may be contacted during normal working hours at the town office. All financial transactions for the Town of Farmingdale are through the Office of the Town Clerk. Reference Appendix 1 (page **Error! Bookmark not defined.**) to review the established fee schedules.

Sec. 2-103 Boards/Committees

Farmingdale is very fortunate to have several very active Boards which perform certain tasks. All boards act as an advisory capacity to the Town Officers. The Boards consist of two major categories: A. A standing committee (board) or B an "ad hoc" or "study" committee or "board" Regardless of any specific Board, all members contribute considerable time in an effort to make Farmingdale a better place to live and grow a family. More residents are encouraged to participate in any of several possible activities.

1. Standing Committee (Board). A standing committee or board is one that has perpetual assignment and its members are appointed by the Town Officers. These boards tend to concentrate on specific tasks in considerable detail to assist the town officers:

   - Appeals Board
   - Fire Department
   - Highway Committee
   - Planning Board
   - Sewer Department

   A. Appeals Board. The Appeals Board is appointed by the Town Officers. The Board is responsible to consider requests for an appeal or a variance. The Board meets on a periodic, scheduled basis. Reference Chapter 4 Article 7 “Appeals Board” (page 4-26) for additional information.

   B. Fire Department. Farmingdale is very fortunate to have an active volunteer fire department. Members are approved by the Fire Chief. The Fire Chief is appointed by the Town Officers. All fire department personnel are considered officials of Farmingdale (including several officers of the department). Farmingdale participates in a mutual aid compact with several local communities. The department is frequently requested to assist in traffic accidents by the State Police or Sherriff’s Office due to their specialized equipment and training. Reference is made to Chapter 5 “Public Safety” (page 5-2) for several related activities.

   C. Highway Committee. This committee, with assistance from the Road Commissioner, provides advice to the Board of Selectmen to maintain the roads and bridges in appropriate condition, recommends future town road activities and recommends the highway budget for the following fiscal year in addition to keeping accurate records of maintenance work.

   D. Planning Board. The Planning Board serves several significant functions. The Board is responsible for reviewing any changes to existing ordinances and for the process to create new or revised ordinances. Other boards or individuals may submit proposed revisions or new ordinances to the Planning Board for consideration. The Planning Board normally conducts public hearings pertaining to new or requested revisions to ordinances. This board also reviews proposed plans for subdivisions to assure compliance with state and local requirements.

Appointment.

1) Appointment by Town Officers. Board Members shall be appointed by the Municipal Town Officers and sworn in by the clerk or other person authorized designated individual to administer oaths. They shall be residents of the Town and shall serve without compensation. Neither a municipal officer nor their spouse may be appointed to the Board.
2) Number of Members. The Board shall consist of five (5) members and two (2) associate members.
3) Term. The term of each member shall be five (5) years.
4) Vacancy. When there is a permanent vacancy, the Municipal Officers shall appoint a person to fill the vacancy for the unexpired term.

5) Removal from Office. Municipal Officers may remove members of the Board by majority vote, for cause, after notice and hearing.

Organization and Rules

1) Officer: Terms. The Board shall elect a Chairperson and Vice Chairperson from among its members during the month of May each year. The term of all officers shall be one (1) year with eligibility for re-election.
2) Conflict of Interest. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members, except the member who is being challenged.
3) Associate Members Voting. An associate member may vote only when designated by the Chairperson to act for a member.
4) Meetings. The Chairperson should call at least one regular meeting each month from September through May and other meetings as required.
5) Quorum. No meeting of the Board shall be held without a quorum consisting of at least three (3) members.
6) Rules and Minutes. The Board shall adopt rules for transaction of business and the Secretary shall keep a record of all its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.

Duties and Powers

The Planning Board has several responsibilities such as, but not limited to, those expressed below:

1) Review and approval of subdivisions.
2) Ordinance preparation and/or revisions.
3) Public Hearings as determined necessary or appropriate.
4) Comprehensive Plan. The Board shall prepare a Comprehensive Plan pursuant M.R.S.A. 30-A §§ 4321¬4327.
5) Other Duties. The Board shall perform such duties and exercise such powers as provided by the Town Ordinances and the laws of the State of Maine or as requested by the Farmingdale Board of Selectmen.

E. Sewer Department. Farmingdale has its own sewer department although commonly identified as the “Sewer Committee”. Sewerage from Farmingdale is collected and passed to the City of Gardiner for treatment. Gardiner Water District provides information to indicate the individual structure total water usage and the Gardiner Wastewater Treatment Department provides information to note the total Town-wide sewage sent to Gardiner for treatment. Farmingdale determines the individual sewer charge based on an established formula. Farmingdale is responsible to maintain its existing sewer lines and pumping stations or to consider any line extension. The Committee meets on a scheduled basis. Its members are appointed by the Town Officers. Reference Chapter 3, Article 2 “Sewer Use”

(page 3-25) and Chapter 3, Article 3 “Specs for Installation of Sanitary Sewers” (page 3-47) for additional information.

2. Ad Hoc Committee (Board). , an “ad hoc” or “study” committee or “Board” is usually formed to perform a specific function; members are approved by the Town Officers. Most of these members are not appointed but serve in an effort to accomplish specific tasks. Several “ad hoc” committees exist. These committees usually do not require the extent of expertise, expected of-others for the permanent committees.

   An example of a board in this category include, but not limited to,:

   A. Veterans Memorial Committee

Revised: June 28, 2014

Budget Committee

Section 1. Establishment

Pursuant to 30-A M.R.S. §3001, a Budget Committee is hereby established for the Town of Farmingdale, Maine.

Section 2. Composition; Appointment; Qualifications; Terms; Vacancies.

The Committee shall consist of (5) five members who shall be appointed by the Selectboard and who shall be registered voters of the Town. The Town Administrator, Municipal Officers, and members of the RSU2 School Committee may not be a member of the Budget Committee.
Members shall serve for term of one year, except that they shall continue in office until their successors are appointed. All Budget Members are to complete a “Request for Appointment” application.

Vacancies shall be filled within thirty days by the Municipal Officers, acting upon a Budget Committee recommendation, for the period ending at the next Annual Town Meeting. A seat on the committee may be considered vacant if a member misses two consecutive meetings.

Section 3. Officers; Meetings; Quorum; Procedure.

The Budget Committee shall annually elect a Chair, and a Secretary from among its members. The Chair shall call meetings as necessary or when so requested by a majority of the members or the Municipal Officers. A quorum necessary to conduct Budget Committee business shall consist of three (3) members. The Chair shall preside at all meetings. The Secretary shall maintain a record of all proceedings, including all correspondence of the Budget Committee. All meetings and records shall be subject to the Maine Freedom of Access Act, 1 M.R.S.A. §401-410. The Budget Committee may adopt rules of procedure not inconsistent with this Ordinance.

Section 4. Powers and Duties; Authority; Recommendations; Official Cooperation.

The Budget Committee shall have the following powers and duties:

- To review and make recommendations on the Town annual operating budget, as proposed by the Municipal Officers.
- To review and make recommendations on annual capital expenditures, as proposed by the Municipal Officers.
- To review and make recommendations on supplemental appropriations and expenditures and on other budgetary actions, as proposed by the Municipal Officers.
- To make such other recommendations on fiscal and capital investment matters as the Budget Committee may from time to time deem advisable.

The Budget Committee's authority shall be advisory. Any recommendation on a matter requiring Town Meeting action shall be printed with the corresponding Article in the Warrant, along with such other recommendations as may be included by the Municipal Officers or required by law. The Municipal Officers shall cooperate with and provide the Budget Committee with such information as may be reasonably necessary and available to enable it to carry out its functions under this Ordinance in a timely and efficient way.

Effective Date: June 12, 2025

ARTICLE 2 PURCHASING, BIDDING AND CONTRACT PROCEDURES

Sec. 2-201 Competitive Bidding

1. Competitive Bidding Required.
   A. Town Contracts over $15,000. Unless otherwise provided by vote of Town Meeting, and except as provided herein, contracts awarded by the Town for the purchase of goods and services costing in excess of $15,000 shall be executed only after competitive bidding. Public notice of invitations to bid shall be as provided herein.
   B. Public Notice. The public notice must describe the project or work to be done in general terms, the date and place that bids are due, and the place where a complete invitation to bid and bid information packet may be obtained. The public notice shall be posted at the Town Office and shall be published at least two times in the Kennebec Journal with the last notice published not less than seven days prior to the closing date.
   C. Bids to be Sealed. Bids shall be prepared and sealed in the manner directed in the invitation to bid or accompanying instructions and shall not be opened by any person until after the closing at the time and place and in the manner provided in the invitation to bid.
2. Acceptable Bids.
   A. Acceptance not required. Bids are offers made to the Town to do the work described in the invitation to bid. The Select Board is not obligated to accept any bid, and may reject any bids. If the Select Board decides to reject any bids, the reason for its decision to reject any bid shall be incorporated into the minutes of the meeting.
   B. Responsive Bids. A bid that is accepted must conform in all material respects to requirements stated in the invitation to bid, including, without limitation, timely submission, complete response to information requested, absence of reservations or restrictions, security bond, and insurance.
   C. Qualified Bidders. A bidder must be qualified and capable of doing the work at the times, or within the time, required. The Select Board shall require bidders to provide information or evidence relating to their qualifications, experience, financial ability, personnel, equipment, and other matters relating to the performances of the contract.
   D. Low Bid. Except as provided herein, contracts of $15,000 or more, shall be awarded to a qualified bidder by Select Board. Select Board may use a scoring matrix to select bid to be awarded. Contracts shall be approved by the Select Board, in open session, after review of all bids submitted. All invitations to bid, notices, information packets, all bids, and related communications shall be maintained by the Town as public records.
3. Exemptions.
   A. The Select Board may waive the requirements under subsections 1 and 2 if the Select Board, by recorded vote determines that:
      1) Competitive bidding would not be in the public interest because of an emergency affecting the protection of life and property; or

2) The unique nature of the property or services required preclude competitive bidding, provided that, the Select Board shall, to the extent practicable, request proposals from qualified providers of the products or services required in order to consider qualitative factors that may be in the best interest of the Town and to negotiate pricing and terms.

B. Decisions made by the Select Board under this Section, and the reasons for such decisions, shall be made in open meeting and shall be recorded in the minutes of that meeting. Contract negotiations may be made in executive session to the extent permitted by law.

4. Conflicting Provisions. The provisions of this Section may be waived or modified if the Select Board finds that such provisions conflict with the requirements of a federal or state agency relating to a contract or purchase by the Town. The provisions of this Section supersede conflicting provisions of any ordinance, order, or resolve of the Town.

Revised June 14, 2018 Town Meeting

Revised June 12, 2025 Town Meeting

Revised June 18, 2026 Town Meeting

ARTICLE 3 TAX RELIEF FOR MILITARY

Sec. 2-301 Tax Relief for Military

The Town of Farmingdale passed an Ordinance to approve Maine Public Law, Chapter 313, MRSA 36 Section 1483-A, 125th Maine State Legislature effective June 23, 2012

Sec. 2-302 Title of Maine Statute

An Act to Provide Tax Relief to Residents Deployed for Military Duty or Stationed Outside of Maine.

Sec. 2-303 Maine Statute Reference

36 MRSA 1483-A.

Sec. 2-304 Section 1483-A Title

Local option exemption for residents permanently stationed or deployed for military service outside of the State.

Sec. 2-305 Section 1483-A Text

A municipality may by ordinance exempt from the annual excise tax imposed pursuant to section 1482 vehicles owned by a resident who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days who desires to register that resident's vehicle in this State. To apply for the exemption, the resident must present to a designated municipal official certification from the commander of the resident's post, station or base, or from the commander's designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days. For purposes of this section, "United States Armed Forces" includes the National Guard and the Reserves of the United States Armed Forces. For purposes of this section, "deployed for military service" has the same meaning as in Title 26, section 814, subsection 1, paragraph A.

Sec. 2-306 Effective Date of Maine Statute Section 1483-A

January 1, 2012

Effective Date: June 23, 2012

ARTICLE 4 PROPERTY ASSESSED CLEAN ENERGY (PACE)

The enclosed PACE Ordinance is submitted as prepared by a State or Federal agency rather than as normally prepared by the established form and format guidelines intended for Farmingdale ordinances. This exception is necessary to facilitate future communication with others.

PROPERTY ASSESSED CLEAN ENERGY (PACE)

Administration by the Efficiency Maine Trust

PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE.

PREAMBLE

WHEREAS, the 124th Maine Legislature has enacted Public Law 2009, Chapter 591, "An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses," also known as "the Property Assessed Clean Energy Act" or "the PACE Act"; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy ("PACE") Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town, financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

WHEREAS, the Municipality wishes to establish a PACE program; and

NOW THEREFORE, the Municipality hereby enacts the following Ordinance:

ARTICLE I - PURPOSE AND ENABLING LEGISLATION

§ XX-1 Purpose

By and through this Chapter, the Town of Farmingdale declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy ("PACE") program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town. The Town declares its purpose and the provisions of this Chapter/Ordinance to be in conformity with federal and State laws.

§ XX-2 Enabling Legislation

The Town enacts this Chapter/Ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature -- "An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses," also known as "the Property Assessed Clean Energy Act" or "the PACE Act" (codified at M.R.S.A. 35-A § 10151, *et seq*.).

ARTICLE II - TITLE AND DEFINITIONS

§ XX-3 Title

This Chapter/Ordinance shall be known and may be cited as “the Town of Farmingdale Property Assessed Clean Energy (PACE) Ordinance” (the “Ordinance”).”

§ XX-4 Definitions

Except as specifically defined below, words and phrases used in this Chapter/Ordinance shall have their customary meanings; as used in this Chapter/Ordinance, the following words and phrases shall have the meanings indicated:

1. Energy saving improvement. “Energy saving improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:

A. Will result in increased energy efficiency and substantially reduced energy use and:

(1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy Star program or similar energy efficiency standards established or approved by the Trust; or

(2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or

B. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.

2. Municipality. “Municipality” shall mean the Town of Farmingdale.

3. PACE agreement. “Pace agreement” means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.

4. PACE assessment. “PACE assessment” means an assessment made against qualifying property to repay a PACE loan.

5. PACE district. “Pace district” means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality’s boundaries.

6. PACE loan. “PACE loan” means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.

7. PACE mortgage. “PACE mortgage” means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.

8. PACE program. "PACE program" means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.

9. Qualifying property. "Qualifying property" means real property located in the PACE district of the Municipality.

10. Renewable energy installation. "Renewable energy installation" means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

11. Trust. "Trust" means the Efficiency Maine Trust established in M.R.S.A. 35-A § 10103 and/or its agent(s), if any.

ARTICLE III - PACE PROGRAM

1. Establishment; funding. The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust's administration of the municipality's PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the municipality's PACE program.

2. Amendment to PACE program. In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.

ARTICLE IV – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST

1. Standards adopted; Rules promulgated; model documents. If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality's adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

ARTICLE V – PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

1. Program Administration

A. PACE Administration Contract. Pursuant to 35-A M.R.S.A. §10154(2)(A)(2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:

i. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality's PACE district;

ii. the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;

iii. the Trust, or its agent, will disburse the PACE loan to the property owner;

iv. the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;

v. the Trust, or its agent, will be responsible for collection of the PACE assessments;

vi. the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;

vii. the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

B. Adoption of Education and Outreach Program. In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

C. Assistance and Cooperation. The Municipality will assist and cooperate with the Trust in its administration of the Municipality's PACE program.

D. Assessments Not a Tax. PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

2. Liability of Municipal Officials; Liability of Municipality

A. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax

assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

B. Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article V, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

Effective Date: June 23, 2012

Chapter 3 Public Property, Utilities and Solid Waste

ARTICLE 1 STREET DESIGN, CONST. and RELATED STANDARDS

Sec. 3-101 Definition

For purposes of this Chapter:

1. Road Commissioner. "Road Commissioner" shall be an individual duly elected at the annual town meeting. The Road Commissioner may designate an individual to represent the Town for related activities on a temporary basis with the approval of the Board of Selectmen.
2. Cul-de-sac. Cul-de-sac shall be a circle at the end of a dead end street to enable a change of direction while continuing a forward movement.
3. "T" Turn Around. A "T" is a location near the end of a dead end street to enable a change of direction. This requires one to back into a selected area to enable a change of direction. A "T" is considered a permanent installation only when there are right of way or topography restrictions which would prohibit the design and installation of a cul-de-sac.

Sec. 3-102 Acceptance of New Streets

1. General. The Board of Selectmen shall not consider the approval of a street as a Town Way, nor shall it submit any article to a Town Meeting requesting the acceptance of a street as a Town Way, unless the street has been designed and constructed in accordance with the provisions of this Article which are in effect at the time of any request for approval.
2. Streets within a Subdivision. The Planning Board shall not approve any subdivision plan unless proposed streets are designed in accordance with this Article.

Sec. 3-103 Approval Procedure

1. General. The Board of Selectmen (Board) or any resident may, upon petition, initiate the approval process for a private road to become a Town Way. The petitioner shall submit to the Board an application in accordance with the following section and in such form as the Board may require. Reference Chapter 4, "Land Use Control" (page 4-1), "Town of Farmingdale Subdivision Application" (page 4-46).
2. Posting, Written Notice. The Board of Selectmen shall provide notice of its intentions to consider approval of a Town Way as a Warrant Article for consideration at the next scheduled Town Meeting. Any related costs incurred shall be paid by the Applicant.
3. Written Return of Proceedings. All reviewing entities shall file with the Town Clerk a written return of its proceedings within thirty (30) days of any review. A complete record of proceedings shall be available prior to consideration at a Town Meeting.
4. Acceptance as Town Way. A road may only be accepted as a Town Way by majority vote at a Town Meeting. A vote to accept a road shall be considered as pending until such time that appropriate legal documents have been executed.

Sec. 3-104 New Application

1. General. An Applicant petitioning for the acceptance of a Town Way shall submit to the Board of Selectmen an application which shall include the following information.
   A. The name of the Applicant(s).
   B. The name(s) of the owners of record of the land upon which the proposed Town Way is to be located.
   C. A statement of any legal encumbrances on the land upon which the proposed

Town Way is to be located.

2. Plans. A plan, profile and typical cross section view of all proposed streets prepared by a Maine Licensed Professional Engineer. The plans and illustrations submitted as part of the application shall include the following information:

   A. Scale. All streets and roadway plan and profile drawings shall be drawn to a scale 1" = 20' or 40' horizontal and l" = 2'or 4' vertical.

   B. The direction of magnetic north.

   C. The starting and ending point with relation to established roads, streets or ways and any planned or anticipated future extensions of the streets proposed for acceptance. (All terminal points and the centerline alignment shall be identified by survey stationing.)

   D. The names of each proposed new road or street. Any proposed road name shall have prior written approval from the Addressing Officer.

   E. The roadway and roadway limits with relation to existing buildings and established landmarks.

   F. Dimensions, both lineal and angular, necessary for locating boundaries, and necessary for locating subdivisions., lots, easements, and building lines.

   G. The lots as laid out and numbered on said street, showing the names of all owners of abutting property.

   H. All natural waterways and watercourses in or on land contiguous to the said streets or ways.

   I. The material, size, location, profile and cross section of all existing and proposed drainage structures and their relationship to the existing natural waterways.

   J. Complete curve data shall be indicated for all horizontal and vertical curves.

   K. All centerline profiles.

   L. The turning radii at all intersections.

   M. The limits and location of all proposed sidewalks and curbing.

   N. The location of all existing and proposed overhead and underground utilities, to include but not limited to the following:

      1) Electrical and telephone line poles and underground vaults.

      2) Fiber optics (underground).

      3) Fire hydrants

      4) Gas mains

      5) Public water supply lines.

      6) Sanitary sewer lines and manholes.

      7) Street lights.

   O. Maintenance Easement. A minimum twenty (20') foot maintenance easement must be provided for any public utility if not in a public right of way. The public utility shall be positioned at the center of the easement.

   P. Topographic Information. Sufficient topographic information to clearly note the drainage within 250 feet of the perimeter of the area proposed. Should an area of sufficient high water table, or surface water, exist within the 250 foot zone the

information shall indicate the existing drainage or proposed drainage route. Should additional drainage be determined to be necessary, an adequate plan of drainage shall be enclosed with an Application. Necessary drainage work shall be completed prior to construction of any structure.

Q. Utilities. Water, sewer and other utility lines shall be placed within the right of way limits following pertinent laws and regulations. Utility poles shall be so placed that any present or designated five (5) foot wide sidewalk may be contained within the boundaries of the street right of way without obstruction by poles or appurtenances.

R. Sight distance. Minimum sight distance for a new entrance onto a Town Way shall be at least 10 times the posted speed limit but determined in feet. Sight distances shall be measured from the driver's seat of a vehicle that is 10 ft. behind the curb or edge of shoulder line with the height of eye 3 1/2 ft above the pavement and the height of object is 4-1/4 ft above the pavement.

3. Subdivision Applications. A subdivider shall submit to the Planning Board all information concerning proposed streets required in paragraphs 1 and 2 above as an integral part of their plot plan, an Opening Permit, an Entrance Permit, a Sewer Permit and an Application for Subdivision approval as required by the Planning Board.

Sec. 3-105 Street Classifications.

1. Arterial Streets. A major way that carries traffic through and between communities.

   A. Maine Avenue.

2. Collector Streets. Collector streets are those streets that serve as feeders to major traffic streets as collectors of traffic from minor streets, and which provide circulation and access in commercial and industrial areas. For the purpose of improvement and replacement activities on Town Ways, the following are defined as Collector Streets:

   A. Almar Street from Maine Avenue to Meadowhill Drive.

   B. Blaine Road.

   C. Hallowell-Litchfield Road (if not MDOT jurisdiction).

   D. Kennebec Drive.

   E. Maple Street (if not MDOT jurisdiction).

   F. Northern Avenue.

   G. Park Street from Maine Avenue to Pine Street.

   H. Smith Road.

3. Minor Streets. Any Town Way not identified as an Arterial Street or a Collector Street shall be classified Minor Street. Minor streets are local streets used primarily for access to abutting residential properties.

4. Farmingdale Road Advisory Committee (FRAC) Determination. The required classification of a proposed Town Way shall be determined by the Farmingdale Road Advisory Committee (FRAC) with review by the Planning Board after consideration of existing land uses or the comprehensive plan adopted by the Town. This determination shall be made prior to submission of a subdivision application to the Planning Board. The Applicant shall submit to the Farmingdale Road Advisory Committee all information that it may require for its determination.

5. Addressing Officer. The Addressing Officer shall approve the proposed street name prior to final Planning Board approval.

Sec. 3-106 Design and Construction Standards

All proposed Town Ways, and all proposed roads in a subdivision, shall be designed and constructed as noted below. In addition, maintenance and replacement activities in existing Town Ways shall utilize these standards as deemed most appropriate and practicable based on existing circumstances by the Road Commissioner. Private non-subdivision roads do not require compliance with these standards. However, such private roads shall not be considered for acceptance as a Town Way until documentation is provided that they have been constructed as defined in this Article.

All proposed new Town Ways, and all proposed roads in a subdivision, shall be designed and constructed to meet the following standards:

1. Standards. The following standards apply according to street classification:

	Collector Streets	Minor Streets
A. Minimum width - Right of Way	50'	50'
B. Minimum width of pavement (excluding shoulders)	24'	20'
C. Minimum grade	0.5%	0.5%
D. Maximum grade	6%	10%
E. Maximum grade at intersections	3% within 50 feet of intersections	
F. Minimum angle at intersections	15° max. off 90°	
G. Minimum width of shoulders	4'	3'
Shoulder cross slope	½"/ ft.	½"/ ft.
H. Minimum center-line radii on curves	200'	100'
I. Minimum tangent length between reverse curves	200'	100'
J. Total minimum aggregate courses	24"	18"
Minimum subbase course	21"	15"
Minimum base course	3"	3"
K. Hot Bituminous Pavement	4"	3"
(Total nominal thickness)		
Base course	2 ½"	1 ¾"
Surface course	1 ½"	1 ¼"
L. Road cross slope (minimum)	¼"/ ft.	¼"/ ft.
M. R/W line radii at intersection (minimum)	10'	10'
N. Edge of travel way radii at intersections:		
90° intersections	25'	25'
Less than 90° intersections	30'	30'

See Geometric Standards A to E

Sec. 3-107 New Street Construction

1. Right of Way Preparation.
   A. Before any fill or cut operation is started, the entire right of way shall be cleared of all stumps, roots, brush, and other objectionable material. All ledge, large boulders, and tree stumps shall be removed from the right of way or as shown on the plans.
   B. The minimum right of way width shall be fifty (50) feet, and marked with permanent monuments provided by the applicant. The cost of the monuments and survey shall be paid by the applicant. The roadway section shall be in the center of the right of way.
   C. Before any clearing in the fifty (50) foot right of way begins, the clearing limits are to be plainly marked at fifty (50) foot intervals, or as necessary to delineate such limits.
2. Subgrade. Subsoil which have been identified by the Road Commissioner as unsuitable for roadway construction shall be removed from the site two (2) feet below subgrade and backfill the area with approved material. Stabilization/Reinforcement geotextile may be used as an option instead of the above method. The furnishing and installing of fabric shall meet the requirements of MDOT Standard Specification Section 620-Geotextiles.
3. Slope Easement. Whenever the ratio of slopes for ditches, shoulders, grading and other purposes required by this article cannot be adhered to within the right of way limits, and grading or excavation is necessary beyond this width, it shall be necessary for the applicant to secure sufficient slope easements from abutting owners for this property plus including future maintenance activities without cost or expense to the Town, and such rights properly indemnifying the Town shall be presented and recorded prior to any action by the Town for acceptance.
4. Dust Control. Dust control shall be exercised throughout the entire project by using brooms, water, calcium or any combination thereof to control dust generated during the process of construction.
5. Erosion Control. An erosion and sediment control plan shall be submitted as part of Section 3-103(2) (I) and shall be based on the most recent edition of the MDOT "Best Management Practices".

Sec. 3-108 Road Base and Subbase

1. Aggregate Sub-base Course. The aggregate sub-base course shall meet MDOT Standard Specification 703.06(b), Type D and be sand and/or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. There shall be no aggregate which exceeds six (6) inches in any dimension. The gradation of the part that passes a three (3) inch square mesh sieve shall contain no more than 7% passing a #200 sieve.
2. Aggregate Base Course. The aggregate base course shall meet MDOT Standard Specification 703.06 (a), Type A and be screened or crushed gravel or hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. There shall be no aggregate which exceeds two (2) inches in any dimension. The gradation of the part that passes a three (3) inch square mesh sieve shall contain no more than 5% passing a #200 sieve.
3. Sieve Analysis. Copies of the sieve analysis results of the samples of base and subbase aggregate to be used shall be submitted to the Road Commissioner for review no later than one (1) week before the placement of any gravel in the street.

4. Placement and Compaction.

   A. Placement. Gravel shall be placed and compacted in accordance with Maine Department of Transportation's Standard Specification, Section 304.03 "Placing". Any compaction shall be accomplished by mechanical means.

   B. Compaction Tests. Compaction tests shall be taken at locations along the road as specified by the Road Commissioner. All costs associated with the compaction tests shall be paid for by the developer. No pavement shall be placed until the compaction tests have been reviewed and approved by the Road Commissioner.

Sec. 3-109 Paving

1. Any Hot Mix Asphalt Pavement used shall be from a facility where the mix and the facility are accepted for use by the Maine Department of Transportation.
2. All mixing, spreading, finishing, and compacting and constructing joints shall meet MDOT Standard Specification Division 400, "Pavement". All surface tolerances will be checked with a 16 ft. straightedge or string line parallel to the centerline of pavement or with a 10 ft. straightedge or string line placed transverse to the centerline of pavement. The Contractor shall correct variations exceeding 1/4" by removing defective work and replacing it with new material.
3. The construction of Hot Mix Asphalt base course shall be conducted between April 15th and November 15th, and only when the surface on which the material is to be placed is not frozen or unreasonably wet, and when the atmospheric temperature is 40° F or higher. The construction of Hot Mix Asphalt surface course shall be allowed between April 15th and November 15th, and only when the surface on which the material is to be placed is not frozen or unreasonably wet, and when the atmospheric temperature is 50° F or higher. No paving shall commence until seven (7) calendar days following a satisfactory inspection of the aggregate base course as set forth in section 3-114(7) below.
4. Any active project shall be completed prior to November 15th, the termination of availability of asphalt or arrival of weather conditions which do not allow for the application of asphalt; whichever arrives first. No new installation shall be allowed between November 15th and April 15th. A road cut will be allowed during the "no construction" period for emergency purposes only. Under these conditions "cold patch" will be allowed with the stipulation that the Applicant is responsible to replace the "cold patch" whenever the Road Commissioner determines it to be necessary. Any "cold patch" shall be replaced with hot asphalt at the earliest opportunity but no later than June 15th. A violation of this requirement shall constitute a violation of this Article and subject the applicant to a penalty of $100 per day minimum to $2,500 per day maximum.

   A. Streets. The binder course shall be Hot Mix Asphalt 19 mm and the finish course shall be Hot Mix Asphalt 9.5 mm pavement. Hot bituminous pavement materials and placement for streets shall be in accordance with the Maine Department of Transportation's Specifications Division 400 "Pavements" and Section 703.09 HMA Mixture Composition.

   B. Sidewalks. Sidewalks shall be constructed in conformance with the Maine Department of Transportation's Specification 608.04 "Hot Bituminous Sidewalk",

Sec. 3-110 Drainage

1. Storm Drain. A storm drainage plan for a subdivision or a proposed Town Way shall be prepared by a Maine Licensed Professional Engineer showing ditches, culverts,

storm drains, easements, and other proposed improvements sufficient to accommodate a 25 year storm.

2. No person may cause any obstruction or diversion of any drainage ditch, culvert, or storm water flow within a Town Way or Town drainage easement.

Sec. 3-111 Culverts

1. General. Culverts shall conform to MDOT Standard Specification Section 707 for metallic pipe. Culverts shall be corrugated steel pipe which shall be 14 gauge galvanized or aluminized Type 2 for 15" to 24", 12 gauge galvanized or aluminized Type 2 for 30" to 36", and 10 gauge galvanized or aluminized Type 2 for 42" to 54". The Road Commissioner may authorize the use of other pipe materials such as concrete pipe, polymer coated corrugated steel pipe or high density polyethylene (HDPE) with corrugated exterior and smooth-lined interior if satisfied that there will be at least 2 feet of suitable cover over the top of the pipe. These nonmetallic pipes shall meet MDOT Standard Specification Section 706. Maintenance and replacement activities in existing Town Ways shall utilize these as deemed appropriate and most practicable based on existing circumstances by the Road Commissioner.
2. Any person who violates the provisions of this Subsection shall be subject to civil penalties and other remedies provided under 4 MRSA Section 4452. The minimum penalty for starting construction or undertaking a land use activity without a required permit is $100, and the maximum penalty is $2,500 per day. Additionally, in the event a violation creates a public nuisance or a threat of personal injury or property damage, the Town may immediately correct or abate the violation and assess the actual costs of such correction or abatement upon the persons causing the violations.
3. The owner of the property to be connected to a Town Way shall apply for the Entrance Permit required under this Section on the form described in Appendix "F" which is available from the Town Clerk.

Sec. 3-112 Catch Basins, Manholes, Structures and Underdrains

1. Catch basins and manholes. These shall meet the requirements of MDOT Specification Section 604.
2. Structures. Where bridge structures or reinforced concrete box culverts in a subdivision are required to cross major streams, detailed design plans by a Maine Licensed Professional Engineer shall be submitted to the Farmingdale Road Advisory Committee (FRAC) for review at least six (6) months in advance of anticipated construction of the structure to permit appropriate review. All bridges and reinforced concrete box culverts shall be designed to accommodate at least the anticipated 50 year level flood. Maine Department of Environmental Protection or U.S. Army Corps of Engineers permits shall be secured wherever necessary.
3. Underdrains. An underdrain pipe of (6) inch diameter or greater, with "filter sock", shall meet MDOT Specification Section 605 and shall be installed to properly drain all springs or areas where the ground water level is considered too high and would adversely impact the stability of the roadway base. Reference Appendix "Geometric Figure E" (page 3-21).

Sec. 3-113 Trenches.

Trench Excavation. Trench excavation shall conform to MDOT Specification Sections 603.032 to 603.08. If acceptable gravel had been removed during excavation it shall be replaced to the depth and standards in compliance with Section 3-105.1.J. If no gravel had been removed, gravel shall be placed to the depth and standards in compliance

with Section 3-105.1.J in accordance with the usual construction sequence. If pavement had been removed during excavation it shall be replaced to the depth and standards in compliance with Section 3-105.1.K. If no pavement had been removed, pavement shall be placed to the depth and standards in compliance with Section 3-105.1.K in accordance with the usual construction sequence. Reference Appendix "Geometrics Standards A" (page 3-17).

Sec. 3-114 Sidewalk; Curb and Guard Rails

1. Sidewalks, where installed, shall meet MDOT Specification Section 608 and be at least five (5) feet wide and shall have at least a twelve (12) inch gravel base course. Reference Appendix "Geometric Standards B" (page 3-18).
2. Curbing, where installed, shall meet MDOT Specification Section 609 and be quarried granite stone, Portland cement concrete, or machine formed hot mix asphalt and shall be installed on a properly compacted gravel base of at least eighteen (18) inches. Reference Appendix "Geometric Standards B" (page 3-18). All work shall conform to the current standards of the Americans with Disabilities Act.
3. Guard Rails, Type 3b, shall meet MDOT Specification Section 606.

Sec. 3-115 Maintenance of Traffic

1. General. Work under this Article shall consist of maintaining traffic on the roads, streets or highways on which the work is being carried out. The work shall be carried out in accordance with the following paragraphs:
2. Work Performed. All work performed within the Town Way shall meet the minimum requirements of Federal OSHA, the Maine Department of Labor and applicable Town Ordinances.
3. No Interference with Traffic. The Contractor shall conduct the work so as not to significantly interfere with traffic, both vehicular and pedestrian. Traffic originating or having business along the section of the road under contract shall be provided with a passable and adequate road. To accomplish this, it may necessitate the bridging over or the construction of structures in sections or the providing of short detours around them. The work shall be progressed in such a manner that the access to private or business driveways adjacent to the improvements will be interfered with as little as possible. The Contractor shall furnish adequate protection to the public by installing and maintaining adequate warning signs, flags, lights, paths, railings, barricades, watchmen and signalmen where necessary or called for by the Town.
4. Traffic Control. Alternating traffic shall be maintained at all times unless the Road Commissioner has determined that existing circumstances allow a temporary closure after adequate notification. Should road temporary closure be considered necessary, or the most appropriate alternative, a minimum of three (3) day notification to all agencies potentially involved shall be made. Notification shall include, but not be limited to: Farmingdale Road Commissioner, Constable Chief, Dig Safe, Fire Department, Gardiner Emergency Services, Gardiner Water District, RSU #2, and any other utilities located in the project area. All traffic controls shall be in accordance with the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, as issued by the Federal Highway Administration. Should a detour or more extensive traffic delay be considered necessary the Road Commissioner may approve other alternatives subject to approval of the Selectmen and adequate notification by the applicant. All equipment and material shall be stored off the traveled way and if on the shoulders, properly delineated at night.

5. Completion of Work. All work in the traveled way and shoulder shall be completed by sunset of each working day unless specific prior authorization has been received from the Road Commissioner and appropriate measures followed. At the close of each week's work or before any Holiday all open trenches will be completely backfilled and equipment and materials removed from the traveled way and shoulders for the coming weekend or Holiday. No detours of any sort shall be used during the period of construction without prior written authorization from the Road Commissioner. Failure to meet the requirements of this item will result in immediate suspension of work on the project until the requirements can be met.
6. Deadend Streets.
   A. Cul-de-Sac. All deadend streets shall be constructed to provide a suitable cul-de-sac turnaround with a minimum radius of 65 feet; reference “Geometric Standard “C” (page 3-19).
   B. “T” Turnaround. It is the intent to approve the use of a "T" turnaround only where future street extension is planned within 3 years and an adequate bond provided, or where adverse horizontal or vertical geometrics physically prohibit a cul-de-sac”. A "T" turnaround may be substituted for a cul-de-sac if approved by the Farmingdale Road Advisory Committee (FRAC) and by the Planning Board. Should a “T” turnaround be requested as a temporary measure, a bond at the amount of 1.2 times the cost of an anticipated cul-de-sac shall be required prior to authorization to install a “T” turnaround. The noted bond shall be cancelled upon documentation that an approved cul-de-sac has been constructed and paved. An alternative to a bond may be a non-interest bearing deposit from the Applicant into a Town of Farmingdale account. Cancellation of a bond due following the construction of a cul-de-sac shall not mean that the road shall be automatically accepted as a Town Way.
   C. “T” Turnaround Design. Reference Geometric Standard “D” for design parameters (page 3-20). Should a “T” be proposed, the design shall include:
      1) A permanent marker shall be established at the end of the road and clearly state “END OF ROAD”. The marker shall be installed and maintained by the Applicant until such time as the Town may accept the road as a Town Way.
      2) A future extension of the road shall require a new cul-de-sac or the relocation of the existing “T” to meet noted “T” Turnaround location requirements.
      3) A minimum distance of twenty five (25) feet shall be available from the end of the street to the nearest road or driveway to enable appropriate snow removal.
7. Inspections, New Construction. An Applicant for either a new street or an approved subdivision shall not commence construction of a street until after prior written notification, and a copy of the complete application required under Section 3-103, has been provided to the Road Commissioner. Upon receipt of such notice, the Road Commissioner shall inform the applicant the name of any designated agent who may perform inspections. The Applicant or a designated agent shall schedule and coordinate inspections with the applicant's contractor, Maine Licensed Professional Engineer and the Town Road Commissioner. Inspections shall be made:
   A. Prior to application of the aggregate sub-base course;
   B. Prior to application of the aggregate base course;
   C. Prior to paving; and,

D. After completion.
The applicant shall give written notification to the Road Commissioner at each of these four stages that the street is ready for inspection, and shall provide, at applicant's expense, a Maine Licensed Professional Engineer to accompany the Road Commissioner on site during all inspections to verify grades, dimensions, and compliance with the plan provided in the application. Inspections shall be scheduled to be done within ten days after receipt of request. All inspections shall be documented in writing.

8. Inspections During Construction. The Road Commissioner and/or Sewer Inspector shall make periodic inspections of a proposed Town Way during new construction in addition to specified inspection activities to insure that any work activity is in conformance with this Article. All inspections shall be documented in writing. All fees incurred by any inspection performed by the Road Commissioner, qualified Town official, or independent third party designated by the Town, shall be reimbursed to the Town by the Applicant / Developer at a predetermined rate established by the Selectmen. Any “Inspection Fee” due the Town of Farmingdale shall be paid in full prior to acceptance of the work for the proposed Town Way.
9. MDOT Specifications. Portions of the "State of Maine Department of Transportation Standard Specifications, Highways and Bridges, Revision of April 1995," as amended and supplemented by, "State of Maine Department of Transportation General Conditions, Supplemental Specifications, and Supplemental Standard Details for Construction, February 1, 2001" ("the MDOT Specifications") are incorporated in this Section 3-105 by reference pursuant to 30-A M.RS.A. §3003. The portions incorporated herein are identified as follows:

Section 101 -- Definitions and Terms (as used only in the Divisions and Sections cited below).
Section 304 -- Aggregate Base and Subbase Course
Division 400 -- Pavement
Section 604 -- Manholes and Catch Basins
Section 605 -- Underdrain
Section 606 -- Guardrail
Section 608 -- Sidewalks
Section 609 -- Curbing
Section 620 -- Geotextiles
Division 700 – Material

All references to specifications stated within the above listed Divisions or Sections, shall be cited herein as "MDOT Specification”, using the applicable section or subsection number. One or more copies of the MDOT Specifications are on file with the Town Clerk.

Sec. 3-116 Adequate Assurance of Completion

1. Performance Guarantee. Adequate assurances of completion of any road related activity in a subdivision or on an existing or proposed Town Way shall require tender by the applicant of a performance guarantee. The performance guarantee is a monetary pledge conditional upon the faithful performance of completion of proposed improvements by a private developer supported by a Guaranteed Letter of Credit payable to the Town from a recognized banking institution, an escrow account payable to the Town, or a Performance Bond delivered to the Board of Selectmen and issued by a commercial surety qualified to do business in the State of Maine. The amount of the performance guarantee shall be at least equal to the total of the costs of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage

and utilities specified in the application or final plan, and shall be conditioned on the completion of all such grading, paving, storm drainage, water main, fire hydrant, sewer and street installations within one year from the date of the performance guarantee.

2. Release of Check or Bond. Before voting to release the performance guarantee , the Board of Selectmen shall determine to its satisfaction, in part by a written certification signed by the Planning Board that it has received written statements signed by:
   A. The Road Commissioner stating that the streets and storm drainage have been constructed and completed in conformance with the application or final plan.
   B. The Water District Superintendent stating that the water mains and hydrants have been installed and are in place in conformance with the application or final plan.
   C. A Maine Licensed Professional Engineer, paid for by the applicant, that all permanent bounds or monuments on street lines (and on lot lines, if any) have been installed and are accurately in place in the locations designated on the final plan.
3. Conditional Agreement. An applicant for subdivision approval may substitute for the performance check or bond a properly executed conditional agreement with the Town. Such agreement shall be endorsed in writing on the final plan, and shall provide that the Planning Board may approve the final plan or any part thereof on condition that no lot in such subdivision may be sold and that no permit shall be issued by the Building Inspector for any building on any lot on any street in such subdivision until:
   A. It shall have been certified to the Board of Selectmen, the Farmingdale Road Advisory Committee and the Planning Board in the manner set forth in paragraph 2 above, that all of the street and utility improvements required have been installed and completed at the expense of the applicant in accordance with all applicable provisions of the final plan;
   B. A certificate of compliance covering the lots and streets or portions of streets involved, has been signed by the Planning Board and a copy of such certificate has been recorded with the County Registry of Deeds.

Sec. 3-117 Existing Town Ways

1. Improvement. An improvement of an existing Town Way shall be completed, insofar as practicable, in accordance with this Article to be constructed as though it were a new construction, as determined by the Road Commissioner.
2. Improvements by Petition. A majority of the abutters along any accepted Town Way within the compact or built-up section of the Town may, in writing, petition the Board of Selectmen to improve said Town Way by grading, curbing, paving or in any other way making a permanent street improvement of the same. An amount to be determined at the Town Meeting up to 2/3 of the cost of such improvements may be assessed on property adjacent to and bounded on said Town Way. The manner of assessment and the right of appeal shall be as provided by 23 M.R.S.A. §§ 360-3605.
3. Town Way Opening Permit. An Opening Permit for a street excavation shall be obtained by the Applicant from the Road Commissioner for any Town Way within the Town of Farmingdale prior to starting actual construction. Reference “Opening Permit Ordinance”, Chapter 3 Article 4 of Farmingdale Code of Ordinances (page 3-65).
4. Entrance Permit. No person may connect or join a private road or driveway to a Town Way without an Entrance Permit. The Road Commissioner may approve an Entrance Permit, provided such connection or related construction will allow adequate sight distance and will not interfere with the existing storm drainage or cause water flow

onto property of others. The Road Commissioner may require as a condition of approval that culverts be installed of appropriate size and construction given potential water flow conditions and in accordance with the requirements of Section 3-105 and other applicable provisions of Article III of this Chapter.

5. Driveway or Entrance Culvert. A driveway, or entrance, culvert is intended to effectively move water from one side of a driveway, or entrance, to the other side. It is critical to protecting the Town's infrastructure to assure that the Town's interest to ensure this conveyance of water is maintained.

6. Culvert. A new or replacement culvert shall be installed after approval of the Road Commissioner. A standard size culvert consisting of twenty (20) feet in length by fifteen (15) inches in diameter shall be installed for typical driveway purposes. The Road Commissioner may authorize a culvert of less diameter than fifteen (15) inches if circumstances suggest it may be more appropriate based on existing circumstances. A longer length culvert may be installed but more intensive review may be required as determined by the Road Commissioner based on existing drainage and hydrology conditions

   A. Responsibilities of Town of Farmingdale.

      1) When a culvert has become plugged by natural causes, such as the gradual accumulation of debris or ice, or has failed to the point where water can no longer be effectively conveyed, the Town is responsible for restoring adequate flow through the culvert.

      2) When the Town undertakes a capital or ditching project that requires the replacement or relocation of driveway/entrance culverts, the Town is responsible for such culvert replacement/relocation and driveway/entrance restoration.

      3) When a natural event causes regional or localized flooding and washouts, causing a culvert to fail and/or a driveway/entrance to washout, the Town will reinstall or replace the culvert (at the Town's expense) and reestablish access to the abutting property.

   B. Responsibilities of the Owner/Abutter.

      1) A new or replacement culvert is the responsibility of the owner/abutter.

      2) Driveway repairs of any type (excepting damage caused by natural events as described above in item 3). This includes such issues as: bumps or depressions that may develop over a culvert (usually due to seasonal freeze/thaw cycles), erosion of the driveway/entrance side slopes, and potholes that may develop as the result of a deteriorating pipe prior to replacement.

      3) Restoring flow when the culvert is obstructed, either directly or indirectly, by the actions of the abutter or their agents (such as intentionally depositing leaves or other debris into a ditch line or a bent end of the culvert which restricts substantial flow).

   C. Corrective Action by Town.

      1) When an abutter fails to uphold the responsibilities set forth in paragraph B above and damage to the highway corridor has occurred or is imminent, the Town may address the issue and pursue compensation as necessary from the abutter/owner.

      2) Tree Trimming. It is the Town's responsibility under 23 M.R.S.A. Section 3651 to keep town ways safe. 23 M.R.S.A. Section 2702 authorizes the removal of

shrubbery and bushes growing within the limits of the town way. The Town will notify abutting landowners if hedges, bushes, or tree limbs require trimming and the landowner will have 10 days to remove all limbs and brush from the town way. If the landowner does not cut the brush or trees within 10 days, the Town will perform the work but all trimming will be limited to the area within the public road right-of-way.

7. Cross Road Culvert. A minimum of eighteen (18) inch diameter culvert shall be installed for any cross road culvert after approval by the Road Commissioner.
8. Minimum Standards. Nothing in this article shall be construed to prevent the application of more stringent standards in the design or construction of streets or the use of improved methods or higher quality materials. The determination of the acceptability of other standards, methods or materials shall be made by the Board of Selectmen, with the advice of the Farmingdale Road Advisory Committee (FRAC) and Road Commissioner.
9. State Highway Opening Permits. The Contractor shall obtain and pay all State Highway Opening Permits prior to starting actual construction in any State Highway including any State-Aid highway.

Sec. 3-118 Applicability

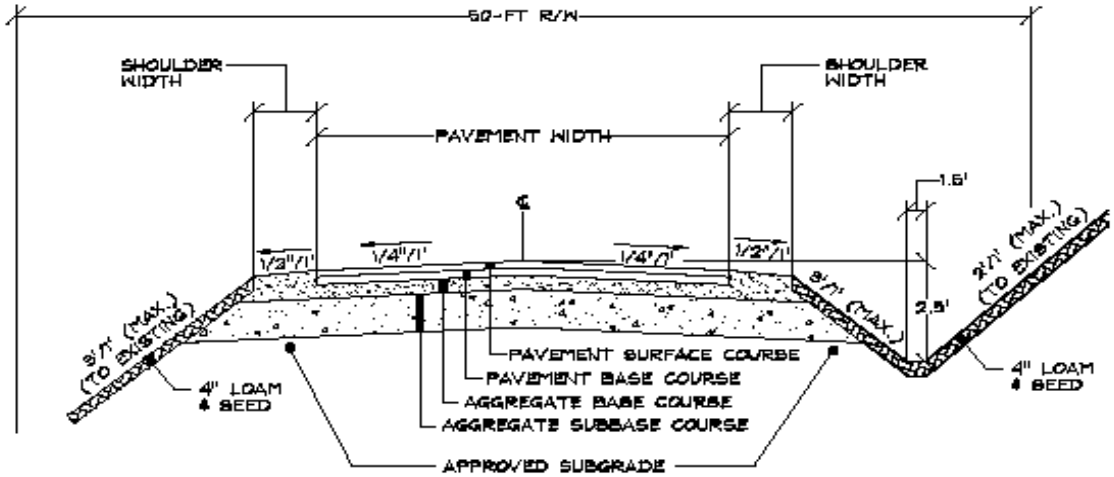
1. Town Ways and Subdivisions. This Article applies to all proposed and existing Town Ways and subdivisions. Section 3-105 applies to all adopted Ordinances pertaining to Town Ways.
2. Acceptance of Town Ways. The acceptance of a street as a Town Way shall comply with the most current applicable Ordinance at the time any vote of acceptance may be conducted. A street shall be accepted as a Town Way by majority vote at a Town Meeting.

Sec. 3-119 Severability

If any portion of this Article shall be held to be invalid, such decision shall not affect the validity of the remaining portions of this article.

Effective: November 20, 2010

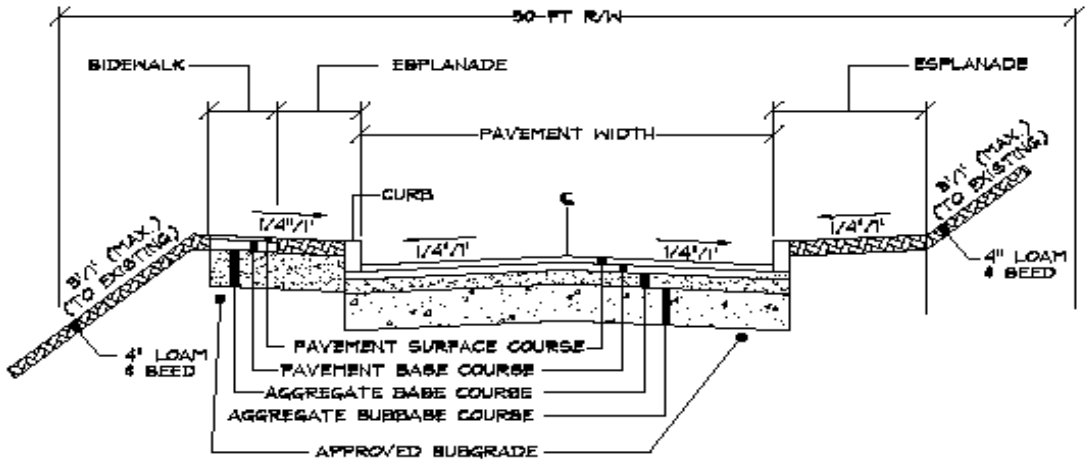
STREET
GEOMETRIC STANDARD A



STREET CROSS-SECTION
MINIMUM REQUIREMENTS

NOT TO SCALE

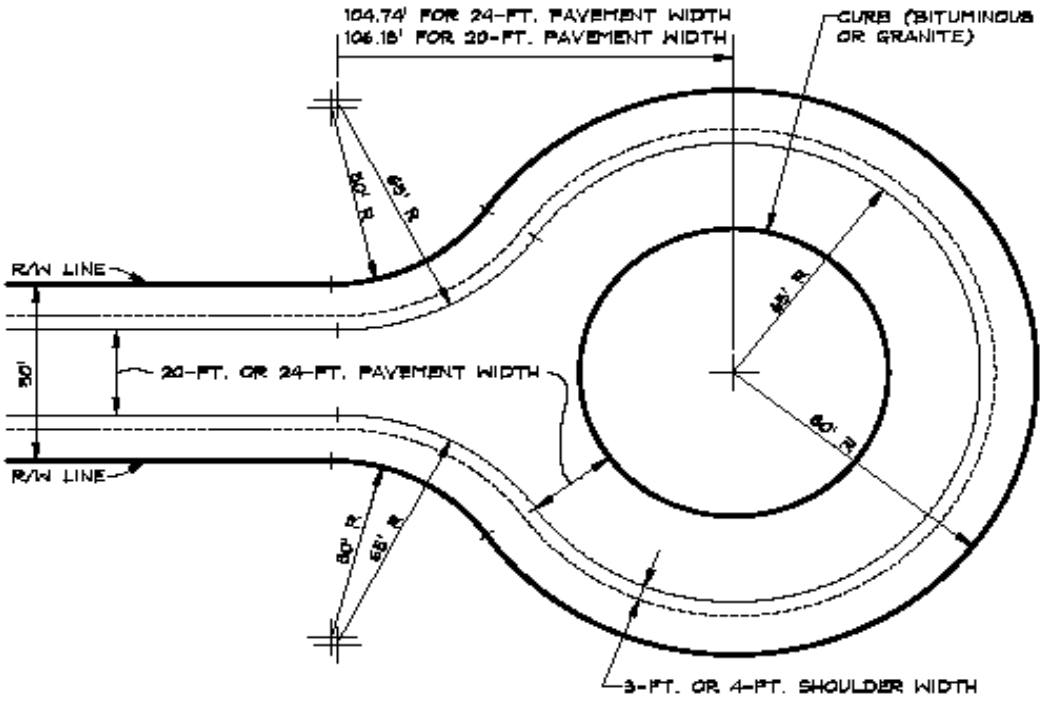
STREET
GEOMETRIC STANDARD B



OPTIONAL STREET CROSS-SECTION WITH CURB, SIDEWALK & ESPLANADE

NOT TO SCALE

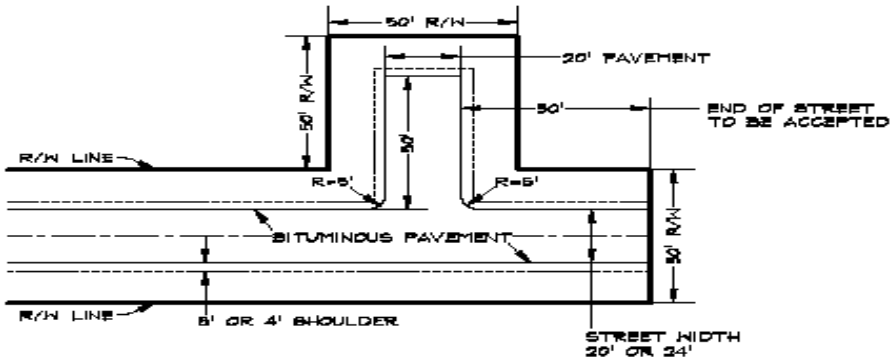
STREET
GEOMETRIC STANDARD C



MINIMUM CUL-DE-SAC

NOT TO SCALE

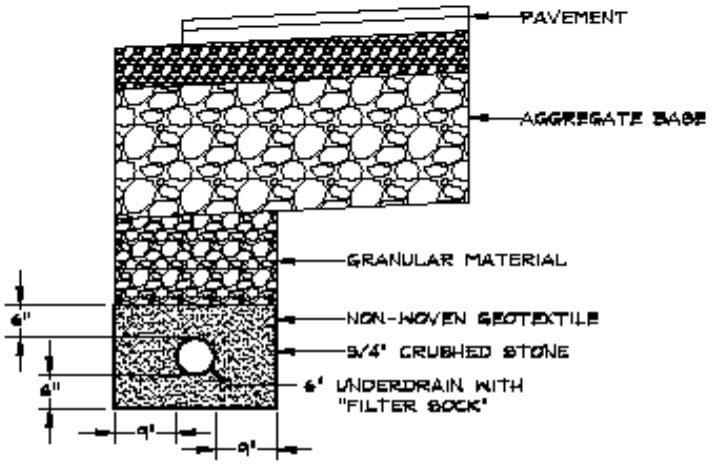
STREET
GEOMETRIC STANDARD D



"T" DESIGN
MINIMUM DESIGN

NOT TO SCALE

STREET
GEOMETRIC STANDARD E



NOTES:

1.) THE UNDERDRAIN SHALL BE INSTALLED WITH A MINIMUM OF 4 FEET OF COVER BETWEEN THE PAVEMENT AND THE TOP OF THE UNDERDRAIN.

2.) THE UNDERDRAIN SHALL BE INSTALLED WITH A MINIMUM OF 0.5% SLOPE.

3.) THE UNDERDRAIN PIPE SHALL MEET MDOT SPECIFICATIONS SECTION 706.06.

4.) THE NON-WOVEN GEOTEXTILE SHALL MEET MDOT SPECIFICATIONS SECTION 722.02.

5.) THE GRANULAR MATERIAL SHALL MEET MDOT SPECIFICATIONS SECTION 703.22.

UNDERDRAIN

NOT TO SCALE

TOWN OF FARMINGDALE, MAINE
APPLICATION TO CONSTRUCT ENTRANCE FROM TOWN WAY

Application No.

Return to: Owner Information:

Town of Farmingdale
Attn: Road Commissioner
289 Maine Avenue
Farmingdale, Maine 04344

Name _____
Address _____
Telephone _____

in accordance with Section 3-107(5) of the Farmingdale Code, application is hereby made for a permit to construct an entrance to my property situated on the (north) (south) (east) (west) side of the Town way known as _____ at a point that is approximately _____ feet (north) (south) (east) (west) from _____(a fixed landmark, intersection or other known point) for the following purpose:

❑ Residential ❑ Commercial

Description: _____

❑ Subdivision ❑ Other

THE FOLLOWING IS INFORMATION WITH RESPECT TO THE PROPOSED ENTRANCE:

1. Frontage of lot along Town way: _____ feet.
2. Depth of lot: _____ feet.
3. Number of entrances requested: _____
4. Proposed width of each entrance: _____
5. Setback from center of Town way to buildings: _____feet, and to other structures: _____feet.
6. Setback from edge of Town way to buildings: _____feet, and to other buildings: _____feet.
7. The surface on _____ the proposed driveway, road or other entrance is to be: _____.
8. Construction is desired to commence on_____, 20_____ and to be completed on _____, 20_____.
9. This entrance is part of a project/development that requires State or other Town permits: ❑ Yes ❑ No
10. If yes, they are: _____
11. A sketch, plan, drawing, or blueprint (with reference to known landmarks) is made on the reverse side of this application _____ ❑ attached hereto.

THE OWNER HEREBY AGREES:

1. That the above information submitted herewith is true and correct.
2. That a permit issued to the owner shall be conditional upon compliance with the representations in this application and the construction requirements under Articles I and III of Chapter 3 of the Farmingdale Code.
3. That the owner will notify the Road Commissioner at least 24 hours before starting work on the proposed entrance, and that all culverts and other materials to be used shall be approved by the Road Commissioner prior to installation.
4. That the owner shall pay all damages, assessments, fines, and penalties for which the owner shall become liable, and shall indemnify and hold harmless the Town of Farmingdale, its officials and employees, against all suits, claims, damages, and proceedings of every kind arising out of the construction and maintenance of said entrance, including snow removal.

Signature of Owner

APPENDIX F

ARTICLE 2 SEWER USE

Sec. 3-201 Definitions

1. ASTM shall mean American Society for Testing Materials.
2. Basic Charge shall mean the charge per living unit for debt service which shall equal the total outstanding debt or future indebtedness of the Town for construction of sewers heretofore or hereafter constructed by the Town divided by the total number of living units (Par 25). The basic charge shall also include an administrative cost which shall be the cost per living unit for all operation costs which are not directly related to the maintenance and repair of the physical structure of the sewerage works heretofore and hereafter constructed by the Town divided by the total number of living units which are accessible to the Town sewer according to Section 3-203.
3. Black Waste Water shall mean wastewater containing human excrement, feces, and/or urine.
4. Board of Selectmen shall mean the duly elected Board of Selectmen of the Town of Farmingdale, Maine.
5. Board of Sewer Appeals or Appeals shall mean that Board appointed according to Chapter 2 of this Ordinance.
6. BOD (Abbreviation for biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures as prescribed in "Standard Methods for the Examination of Water and Wastewater" in five (5) days at 20 degrees C) expressed in milligrams per liter.
7. Builder shall mean any person, persons or corporation who undertakes to construct, either under contract or for resale, any habitable building.
8. Building Drain shall mean that part of the lowest horizontal piping of a drainage system which receives the gray wastewater and black wastewater inside the wall of the building and conveys it to the building sewer, beginning eight (8) feet outside the inner face of the building wall.
9. Building Sewer shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.
10. Categorical Industrial User shall have the same meaning as defined in the National Pretreatment Standards promulgated by the Environmental Protection Agency under 40 C.F.R. Chapter I, subchapter N, which specifies quantities or concentrations of pollutant properties which may be discharged or introduced in a municipally owned wastewater facilities by specific industrial discharges.
11. Cleanout shall mean a means for inserting cleaning tools, for flushing or for inserting an inspection light into sewers at bends.
12. Chlorine Demand shall mean that amount of chlorine required to destroy all pathogenic organisms present on the final effluent from the treatment plant.
13. Combined Sewer shall mean a sewer receiving both sanitary wastewater and storm or surface water.
14. Contractor shall mean any person, firm or corporation approved by the Board of Selectmen to do work on sewage works or storm drains in the Town of Farmingdale.
15. Developer shall mean any person, persons, or corporation who undertakes to construct simultaneously or in planned sequence more than one housing unit on a given tract or land subdivision.

16. Easement shall mean an acquired right for the specific use of land owned by others.
17. Engineer shall mean the Professional Engineer or Professional Engineering Firm retained by the Town of Farmingdale.
18. EPA shall mean the United States Environmental Protection Agency.
19. Floating Oil is fats, wax, grease or oils, whether emulsified or not, in a physical state such that it will separate from wastewaters by appropriate pretreatment facilities.
20. Garbage shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
21. Gray Waste Water shall mean all domestic liquid wastes exclusive of Black Waste Water.
22. ICR shall mean Industrial Cost Recovery.
23. Incompatible Pollutant shall mean any pollutant other than biochemical oxygen demand, suspended solids, excessive pH, coliform bacteria or additional pollutants not identified or authorized in the discharge license or permit, which the treatment works were not designed to treat and do not remove to a substantial degree; or such substances which cause or exert excessive dissolved oxygen demand or chlorine demand.
24. Industrial User shall mean:

A. Any categorical industrial user or non-categorical industrial user that (i) discharges 25,000 gallons per day or more of processed wastewater, (ii) contributes processed wastewater which makes up 5% or more of the average dry weather hydraulic or organic capacity of the municipal treatment plant operated by the City of Gardiner, or (iii) has a reasonable potential, in the opinion of the City of Gardiner as the operator of the wastewater treatment plant, to adversely affect treatment plant operation as a result of such matters as inhibition, pass through, sludge contamination or endangerment of city employees, which wastewater is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

Division A. Agriculture, Forestry, and Fishing.
Division B. Mining.
Division D. Manufacturing.
Division E. Transportation, Communications, Electric, Gas, and Services.
Division I. Services.

1) In determining the amount of a user's discharge for purposes of industrial cost recovery, the Town will exclude domestic wastes or discharges from sanitary conveniences.
2) After applying the sanitary waste exclusion in subparagraph (1) of this paragraph, dischargers in the above divisions that have a volume exceeding 25,000 gpd or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 25,000 gpd of sanitary waste are considered industrial users. Sanitary wastes, for purposes of this calculation of equivalency, are the wastes discharged from residential users. The Town, with the Regional Administrator's approval, shall define the strength of the

residential discharges in terms of parameters including, as a minimum, BOD and SS per volume of flow.

B. Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works.

C. All commercial users of an individual system constructed with grant assistance under section 201(h) of the Federal Pollution Control Act and this subpart.

25. Industrial Wastes shall mean-the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage. An industry is considered to be a major contributing industry when it: (1) has a flow of 25,000 gallons per average work day; (2) has a flow greater than five percent of the flow carried by the public sewer receiving the wastes; (3) has in its wastes a toxic or incompatible pollutant as defined by Federal or State laws or regulations; or (4) has a significant impact, either singly or in combination with other contributing industries, to the public sewers, treatment plant, or on the quality of effluent from the treatment works.

26. Living Unit shall be defined by way of example and not limited to the following:

A. A single family residential home shall be one unit.

B. A duplex residential home shall be two units.

C. A residential apartment house or apartment building shall be one unit for each family rent.

D. A mobile home park shall be one unit for each mobile home.

E. A commercial establishment shall be considered one unit for each twelve employees.

F. A motel shall be considered one unit for each three renting units.

G. A school shall be considered one unit for each twenty-five students.

H. A factory shall be considered one unit for each twelve employees.

I. A self-service Laundromat shall be considered 1.5 per dozen washers.

J. A restaurant shall be considered one unit for each ten seats.

K. A church shall be considered one unit for each 75 pew seats.

L. A camp ground shall be considered one unit for each three spaces.

M. A nursing or rest home, boarding home or morning house shall be considered one unit for every three licensed beds at the home.

N. Others to be established by the Town of Farmingdale on an individual basis. Any fractional units will be rounded off to the nearest unit.

27. MDEP shall mean Maine Department of Environmental Protection.

28. Natural Outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or ground water.

29. Treatment charge shall be determined by the annual budget figure for City of Gardiner sewage treatment charges to the Town of Farmingdale divided by the estimated total

annual cubic feet of water that all Farmingdale sewer users will use. In determining the treatment charge, there shall be a rate of 1,800 cubic feet of water per quarter for each living unit connected to the Town sewer which rate shall apply to sewer users whose main supply of water is derived from sources other than the Gardiner Water District and the actual rate of water usage based upon the Gardiner Water District's billing information shall be used in determining the treatment charge for each living unit connected to the Town sewer which derived its water from the Gardiner Water District. When a single building contains two or more living units and the water usage is measured by a single meter, one treatment charge shall be calculated and billed for all of the living units in that building.

30. Owner shall mean any individual, firm, company, association, society, person or group having title to real property.
31. Person shall mean any individual, fi m, company, association, society, corporation, or group.
32. pH shall mean the reciprocal of the logarithm of the weight of hydrogen ions in grams per liter of solution.
33. Pretreatment shall mean treatment from sources before introduction into the Town of Farmingdale municipal sewer based upon local, State or Federal requirements and local conditions, also called preliminary treatment.
34. Properly Shredded Garbage shall mean the wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half ('/2) inch (1.27 centimeters) in any dimension.
35. Property Line shall mean the established right-of-way limits of any public or private road or street or the common ownership dividing line between two abutting properties, if the building sewer is to connect with the public sewer in a public street. "Property Line" shall mean the edge of a sewer right-of-way in those instances where the building sewer connects to the public sewer in a right-of-way.
36. Public Sewer shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
37. Right-of-Way shall mean the established limits of an approved street or highway.
38. Sanitary Sewer shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
39. Sewage shall mean a combination of the water carried wastes (Black Waste Water and Gray Waste Water) from residences, business buildings, institutions and industrial or commercial establishments.
40. Sewage Works or Treatment Works shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
41. Sewer Committee shall mean that committee appointed by the Board of Selectmen according to provision of Section 3-202.
42. Sewer Inspector shall mean appointed Sewer Inspector, or designated individual, for the Town of Farmingdale, Maine.
43. Shall is mandatory; "May" is permissive.
44. Sludge shall mean any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in sufficient quantity of which, exceeds for

any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during the normal operation.

45. Storm Drain (sometimes termed "Storm Sewer") shall mean a pipe which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
46. Suspended Solids shall mean solids that either float on the surface of or are in suspension in water.
47. Town shall refer to and include the entire corporate limits of the Town of Farmingdale. For the purpose of this article it shall be interpreted to mean the Town of Farmingdale as represented by the Board of Selectmen.
48. Town Way means the entire width between boundary lines of a road, highway, parkway, street or bridge used for vehicular traffic on a way which is owned and maintained by the state, county or municipality over which the general public has a right to pass.
49. Wastewater Treatment Facility shall mean any arrangement of devices and structures used for treating sewage.
50. Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.
51. WPCF shall mean Water Pollution Control Federation.

Sec. 3-202 Sewer Committee

1. Creation and Appointment. The establishment of a Sewer Committee is hereby authorized. The members of the Committee shall be appointed by the Board of Selectmen. They shall be residents of the Town of Farmingdale. In accordance with the laws of the State of Maine, the following provisions shall apply:
   A. The Committee shall consist of five members.
   B. The term of office of members shall be three years.
   C. No municipal officer shall be a member or alternate member of the Sewer Committee.
   D. When there is a permanent vacancy, the Board of Selectmen shall appoint a person to serve for the unexpired term.
   E. The Sewer Committee shall elect a Chairman and a Vice Chair from its own membership annually in the month of April.
   F. The Sewer Committee shall serve as advisers to the Board of Selectmen on all matters relating to the operation of the Town sewers and shall perform such other ministerial functions and duties as shall be designated from time to time by the Board of Selectmen.

Sec. 3-203 Use of Public Sewers Required

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town or in any area under jurisdiction of said Town, any human or animal excrement, garbage, or other objectionable waste. The term "Unsanitary manner" shall not include reasonable spreading of animal excrement or other fertilizer in farming or animal husbandry operations.

2. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of said Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article and the requirements of the State of Maine.
3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, except where no sewage facilities are available.
4. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes requiring the disposal of sewage situated within the Town and abutting on any street, alley, or right-of-way in which there is located a public sanitary sewer of the Town is hereby required at his expense to install suitable plumbing facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within ninety (90) days after date of official notice to do so, provided that said public sewer or any exterior drainage facility connected thereto is located within one hundred fifty (150) feet of the building or exterior drainage facility on any lot or premises which abuts and is served by such public sewer.

Sec. 3-204 Subsurface Wastewater Disposal

1. Where a public sanitary sewer is not available under the provisions of Section 3-203, Paragraph 4, the building sewer shall be connected to a subsurface wastewater disposal system complying with the State of Maine Plumbing Code, Part II Subsurface Wastewater Disposal Regulations.
2. Before commencement of construction of a subsurface wastewater disposal system the owner shall first obtain a written permit signed by the Local Plumbing Inspector (LPI). The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Plumbing Inspector. A permit and inspection fee shall be paid at the time the application is filed. The amount of this fee shall be set annually by the state of Maine.
3. A permit for a subsurface wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the Plumbing Inspector. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Plumbing Inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Plumbing Inspector.
4. The owner shall operate and maintain the subsurface wastewater disposal facility in a sanitary manner at all times, at no expense to the Town.
5. At such time as a public sewer becomes available to a property served by a subsurface wastewater disposal system, a direct connection shall be made to the public sewer in compliance with Section 3-203, Paragraph 4, and any septic tank, and similar subsurface wastewater disposal facility shall be abandoned, cleaned of sludge, and filled with suitable material, or completely removed.
6. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Office or Town Plumbing Inspector.

Sec. 3-205 Building Sewers and Connections

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining

a written permit from the Sewer Inspector. Any person proposing a new discharge into the system or a substantial change in volume or character of pollutants that are being discharged into the system shall notify the Sewer Inspector at least forty-five (45) days prior to the proposed change or connection, and shall comply with Maine Revised Statutes Annotated, Title 38, Chapter 3, Subchapter I, § 361. All pollutants other than normal sewage must meet the discharge requirements of the Town of Farmingdale and the City of Gardiner. Notification of such pollutants must be made to the Sewer Inspector and the appropriate official of the City of Gardiner at least forty-five (45) days prior to the start of discharge.

2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Sewer Inspector or the Board of Selectmen. A permit and inspection fee for residential, commercial and industrial building sewer permits shall be paid to the Town at the time the application is filed. The amount of this fee shall be determined periodically, after a public hearing, by the Board of Selectmen. Reference Appendix 1 (page **Error! Bookmark not defined.**) for Fee Schedule. Reference Appendix A of this Article for Application Form.
3. All costs and expense incident to the installation, connection and testing of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
5. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the Town, to meet all requirements of this article.
6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the Town of Farmingdale General Sewer Specifications. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate current specifications of the A.S.T.M. and current W.P.C.F. Manual of Practice shall apply.
7. Whenever possible, it is recommended that the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer at no cost to the Town.
8. No persons shall make connections of roof drains, downspouts, foundation drains, areaway drains, sump pumps or other sources of surface runoff or ground water, to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
9. The connection of the building sewer into the public sewer shall be by and under the direction of the Town of Farmingdale and the owner of the building sewer connected

to the public sewer shall be liable to reimburse the Town for the costs and expenses which it incurs in making the connection to the public sewer. All such connections shall be made gaslight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Board of Selectmen.

10. The applicant for the building sewer permit shall notify the Sewer Inspector when the building sewer is ready for inspection and connection to the public sewer.
11. Excavations. The applicant is advised to review the Farmingdale Opening Permit Ordinance.
12. The Town shall be responsible for the maintenance and replacement of the Public Sewers. The owner(s) shall be responsible for maintenance and replacement of the Building Sewer.
13. Pipe and fittings to be used in the Building Sewer shall be minimum 4-inches in diameter and the same material as the public sewer.
14. In general, Building Sewers will not be allowed to have more than four (4) angle points or a total angular deviation of 180 degrees; unless granted a variance by the Board of Selectmen. Cleanouts shall be installed at each deflection and every one hundred (100) feet in length.
15. All pipe and fittings shall be laid to a minimum slope of 1/4 inch per foot unless otherwise approved by the Town.
16. The depth of building sewers shall be sufficient to afford protection from frost, but in no event shall be less than three (3) feet to the crown of the pipe. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible.
17. Line and grade of the pipe and fittings shall be controlled by the use of a transit or laser beam for this purpose.
18. Changes in direction shall be made only with properly curved pipe and fittings. The ends of building sewers which are not connected to the building drain of the structure for any reason, shall be sealed against infiltration by a suitable stopper, plug, or other approved means.
19. The trenches shall be excavated from the end of the existing sewer service to its point of connection to the building plumbing outlet. Pipe and fittings laid in trench shall not be backfilled until the work is inspected by the Sewer Inspector.
20. When any building sewer is to serve a school, hospital, or similar institution or public building, or to serve a complex of industrial or commercial buildings, or which, in the opinion of the Board of Selectmen will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The Board of Selectmen shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Board of Selectmen. If required, a new manhole shall be installed in the public sewer pursuant to Article III, Section 3-308 of the Town of Farmingdale General Sewer Specifications.

Sec. 3-206 Use of the Public Sewers

1. The Sewer Inspector or the Board of Selectmen may require a user of sewer services to provide information needed to determine compliance with this article. These requirements may include:

   A. Wastewaters discharge peak rate and volume over a specified time period.

B. Chemical analyses of wastewaters.

C. Information on raw materials, processes, and products affecting wastewater and volume and quality.

D. Quantity and disposition of specific liquid, sludge, oil solvents, or other materials important to sewer use control.

E. A plot plan of sewers on the user's property showing sewer and pretreatment facility location.

F. Details of wastewater pretreatment facility location.

G. Details of systems to prevent and control the losses of materials through spills to the public sewer.

2. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewers.

3. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Town. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Board of Selectmen, to a storm sewer or natural outlet; and the discharge shall comply with Maine Revised Statutes Annotated, Title 38 Chapter 3, § 413.

4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely, in the opinion of the Board of Selectmen, that such wastes can harm either the sewer, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming their opinion as to the acceptability of these wastes, the Board of Selectmen will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors including State, Federal and City of Gardiner regulations and requirements concerning wastewater pretreatment and treatment. The substances prohibited are:

   A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

   B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

   C. Any waters or wastes having a pH lower than 5.5, or in excess of 9.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

   D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and flashings, entrails, paper dishes, cups, milk

containers, diapers, etc., either whole or ground by garbage grinders.

E. Any wastes or waters with a dissolved oxygen concentration less than two (2.0)mg/1 at twenty-four(24) degrees C (75° F)

F. Any liquid or vapor having a temperature higher than one hundred forty (140) degrees F (60°C) or any heated waters or pollutants in such quantities that the temperature at the sewage treatment plant influent exceeds one hundred and four degrees (104°F) (40°C).

G. Any water or waste containing floating oil, fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred forty (140) degrees (0 and 60 degrees C).

H. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Board of Selectmen.

I. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.

J. Any waters or wastes containing iron, chromium, copper, zinc or similar objectionable, toxic or incompatible wastes, or substances or wastes exerting an excessive chlorine or dissolved oxygen requirements to such a degree that any such material received in the composite sewage at the treatment works exceeds the limits established by the Town or the requirements of the State, Federal, City of Gardiner, or other public agencies or jurisdiction for such material, or to such a degree that any such material discharged to the system, either singly or in combination with other wastes that cause directly or indirectly any deleterious effects to the system.

K. Any waters or wastes containing phenols or other taste-or-odor-producing substances in such concentrations exceeding limits which may be established by the Board of Selectmen, after treatment of the composite sewage, to meet the requirements of the State, Federal, City of Gardiner, or other public agencies or jurisdiction for such discharge to the receiving waters, or before treatment where such substances may cause a nuisance or health problem or cause deleterious effects directly or indirectly to the system.

L. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits in compliance with applicable State or Federal regulations.

M. Materials which exert or cause:

1) Unusual concentration of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

2) Excessive discoloration (such as, but not limited to, dyes, wastes and vegetable tanning solutions).

3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

N. Any water or wastes having five (5) day BOD greater than 300 milligrams per

liter.

O. Any water or wastes containing more than 350 milligrams per liter of suspended solids.

P. Any water or wastes which, by interaction with other water or wastes in the public sewer system, releases obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and wastewater treatment processes.

Q. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

5. If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers containing the substances or possessing the characteristics enumerated in Paragraph 4 of this Section, and which, in the judgment of the Board of Selectmen and the City of Gardiner may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Board of Selectmen may:

   A. Reject the wastes;

   B. Require pretreatment to an acceptable condition for discharge to the public sewer;

   C. Require control over the quantities and rates of discharge; and/or

   D. Require payment to cover the added cost of handling and treating the wastes.

   E. If the Board of Selectmen permits the installation of equalization of waste flows or other pretreatment, the design and installation of the plants and equipment shall be subject to the review and approval of the Board of Selectmen and subject to the requirements of all applicable codes, ordinances, and laws.

6. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

7. Grease, oil, and sand interceptors, where it is determined by the Board of Selectmen, Sewer Committee, Plumbing Inspector or City of Gardiner that waste pretreatment is required, an approved type of grease interceptor(s) complying with the provisions of State of Maine's 2015 Uniform Plumbing Code shall be correctly sized and properly installed in grease waste lines leading from sink and drains such as floor drains floor sinks and other fixtures or equipment in the establishment. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal of the captured material, and shall maintain records of the dates and means of disposal which are subject to review by Board of Selectmen, Sewer Committee, Plumbing Inspector and the City of Gardiner. Any removal and hauling of the collected materials performed by the owner(s) personnel must be performed by a currently licensed waste disposal firm.

8. When required by the Board of Selectmen, the owner of any property serviced by a building sewer or private sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be

constructed in accordance with plans approved by the Board of Selectmen. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standard Methods for Examination of Water and Wastewater," published by the American Public or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of the premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are from periodic grab samples.)
   A. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Board of Selectmen and/or other duly authorized employees of the Town may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Board of Selectmen. Such records shall be made available upon request by the Board of Selectmen to other agencies having jurisdiction over discharges to the receiving waters.
   B. When determined by the Board of Selectmen that reported analyses of waters and wastes are inaccurate or non-representative, the Town may perform analyses and the cost of same will be borne by owner of industry.
10. The Town, with the advice of a Consulting Engineer, and in accordance with any rules, regulations or ordinances of Gardiner, shall determine the quantity and quality of all industrial wastes which can be properly taken into the sewerage system and treated at the wastewater treatment facility, in addition to the sanitary wastes.
11. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town or other public agencies or jurisdiction and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town or other public agencies or jurisdiction for treatment, subject to payment and special treatment requirements therefor, by the industrial concern. The Town or other public agencies or jurisdiction may issue official Pretreatment Discharge Permits which will specify the characteristics of the wastes or waters to be discharged to the public sewers, and other conditions on monitoring, rate of discharge and other items, to any major contributing industry or other entity

discharging to the system, either directly or indirectly, provided that such agreements do not contravene and requirements of existing Federal Laws and are compatible with any User Charge and Industrial Cost Recovery System in effect.

Sec. 3-207 Sewer Extensions

1. All extensions to the sanitary sewer system owned and maintained by the Town shall be properly designed by a Registered Professional Engineer in accordance with the current edition of the Design and Construction of Sanitary and Storm Sewers, ASCE Manuals and Report on Engineering Practice - No. 37 (WPCF Manual of Practice No. 9), and the Town of Farmingdale Standard Sewer Specifications. Plans and specifications for sewer extensions shall be submitted to and approval obtained from the Board of Selectmen and the Sewer Inspector before construction may proceed. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.
2. Sewer extensions, including individual building sewers from the sewer to the property line, may be constructed by the Town under public contract if, in the opinion of the Board of Selectmen, the number of properties to be served by such extension warrants its cost and if the treatment plant has the capacity to handle said extension. Under this arrangement the property owner shall pay for and install the building sewer from the public sewer to his residence or place of business in accordance with the requirements of Section 3-205. Property owners may propose sewer extensions within the incorporated Town by drafting a written petition, signed by a majority of the benefiting property owners, and filing. it with the Board of Selectmen. The cost of such extensions may be assessed to the benefited property owners in any manner determined by the Board of Selectmen.
3. If the Town does not elect to construct a sewer extension under public contract, the Property Owner, Building Contractor or Developer may construct the necessary sewer extension, if such extension is approved by the Board of Selectmen and the Sewer Inspector in accordance with the requirements of Paragraph 1 of this Section. He or they must pay for the entire installation, including all expenses incidental thereto. Each building sewer installed must be installed and inspected as previously required in Paragraph 5 below and the inspection fees paid. Design of sewers shall be as specified in Paragraph 1 of this Section. The installation of the sewer extension must be subject to inspection by the Town or its representative. The expenses for this inspection shall be paid for by the Owner, Building Contractor, or Developer. The Town or its representatives' decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass a leakage test before it is to be used. The leakage test must meet the requirements of the Farmingdale Standard Sewer Specifications. The total cost of a sewer extension thus made shall be absorbed by the Developer or the Property Owner, including all building sewers.
4. After the completion of all sewers, and before final acceptance, as-built drawings shall be furnished to the Town consisting of a set of reproducibles consistent with the drafting material, scale, etc., of the Town.
5. All work shall comply with all Federal, State, and local laws, ordinances and regulations.
6. All sewer extensions constructed at the expense of Property Owner, Building Contractor or Developer, after final approval and acceptance by the Town, shall become the property of the Town and shall thereafter be maintained by the Town. Said sewers, after their acceptance by the Town, shall be guaranteed by the Property Owner, Building Contractor or Developer against defects in materials or workmanship for twelve (12) months. The guarantee shall be in a form prescribed by the Town. At the sole discretion of the Town, a maintenance bond or certified check may be demanded as part of the guarantee.

7. No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the Town, unless a suitable and approved method of sewage disposal is proposed.
8. Construction of any sewer extensions cannot begin until the plans and specifications have been approved by the Maine Department of Environmental Protection.

Sec. 3-208 Protection from Damage

1. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of criminal mischief as set forth in Maine Revised Statutes Annotated, Title 17-A, Chapter 33, § 806.
2. A contractor must present a certificate of insurance showing suitable liability insurance before a permit will be issued for construction of building sewers or sewer extensions.

Sec. 3-209 Board of Sewer Appeals

1. Board of Appeals as defined in Chapter 4 Article 7 is designated as the Board of Sewer Appeals.

Sec. 3-210 Powers of Authority of Inspectors

1. The Board of Selectmen shall appoint one or more sewer inspectors to carry out the enforcement of the provisions of this article. The certificate of appointment shall specifically authorize the administration and enforcement of this article.
2. The compensation for duties performed by the sewer inspector under this article shall be determined from time to time by the Board of Selectmen and shall be paid from revenues derived from inspection fees collected pursuant to this article.
3. No permits shall be granted by the sewer inspector unless prior approval has been given by the Board of Selectmen if such approval is required by this article.
4. The sewer inspector with respect to the duties and authority in this article shall be under the control of the Board of Selectmen. The Board of Selectmen may establish administrative procedures and coordinate their activities and the activities of all other town officials involved in the administration of this article.
5. The Sewer Inspector may be the code enforcement officer and/or the Plumbing Inspector of the Town and certification under Title 22 of the Maine Revised Statutes shall not be a prerequisite for appointment of the Sewer Inspector.
6. The Sewer Inspector bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article. The Sewer Inspector shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
7. While performing the necessary work on private properties referred to Paragraph 6, the Sewer Inspector shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by town employee and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging

and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 3-206, Paragraph 8.

8. The Sewer Inspector bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sec. 3-211 Penalties

1. Any person found to be violating any provision of this Article except Section 3-208 shall be served by the Sewer Inspector or the Board of Selectmen with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Any work performed without a Road Opening Permit, or any other violation of this Ordinance, shall be punishable in accordance with 30-A M.R.S.A. Section 4452 and may be subject to penalties of not less than $100 nor more than $2500 per violation for each day that the violation continues.
3. Any person violating any of the provisions of this article shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.
4. Not withstanding any of the foregoing provisions, the Town may institute any appropriate action including injunction or other proceedings to prevent, restrain or abate violation hereof.

Sec. 3-212 User Charge

1. The treatment charge and basic charge shall be known collectively as the user charge which shall be set semi-annually by the Selectmen of the Town.
2. Treatment charges and basic charges will be computed and billed quarterly.
3. All user charges are due from the owner of the premises and the owner shall be held responsible. The Town may if requested by both the owner and the occupant, send the bill to the occupant.
4. All user charges shall be due and payable at the Town Office quarterly and are considered to be in arrears for lien and penalty purposes 30 days after the date of each quarterly billing statement.
5. A penalty per living unit shall be assessed and payable for the failure to pay any sewer user charges within 30 days after the date of the quarterly billing statement. An additional penalty per living unit shall be assessed and payable each quarter or part of a quarter that any sewer user charge remains unpaid after the quarter in which said user charge was billed to the sewer user. All penalties assessed under this section shall be determined periodically by the Board of Selectmen at a level so that said penalties do not exceed the maximum penalty then provided under state law and regulation for delinquent real estate taxes and sewer user charges. Reference Appendix 1,'Fee Schedule", "Sewer Delinquent Fee" for the established fee (page **Error! Bookmark not defined.**).

6. When the customer's credit is, or becomes impaired, the Town may require a deposit to guarantee payment of current bills, such deposits not to exceed the amount of an estimated billing period.
7. All fees and penalties rates established in these regulations are subject to periodical adjustments by the Town to reflect cost of services rendered.
8. Partial Abatement. A partial abatement of a sewer usage charge may be considered by the Town if it may be documented that substantial metered fresh water may not have entered the sewer system and criteria established by the town has been followed. The criteria noted below are intended for a single family structure. Other alternatives may be considered but on an individual basis.
9. Necessary criteria to be considered for partial abatement:
   A. Amount of fresh water has been documented by metered flow.
   B. Amount of water not entering the sewer system, for the same structure as noted for fresh water, has been established by metered flow.
   C. No abatement shall be considered if prior user charges for the same structure are in arrears unless the Sewer Committee determines that extenuating circumstances would justify such abatement.
   D. No abatement shall be considered if tax payments for the same structure are in arrears.
   E. A minimum abatement of $5 for a calendar year is necessary for consideration.
   F. The “Application for Abatement of Sewer User Charge” shall be completed and submitted in a timely manner. Reference Appendix B of this Article (page ???).
   G. The maximum period for which an abatement will be granted at any time is for four (4) quarters within the same calendar year immediately prior to the present calendar year.
   H. By requesting to participate in this program, the Sewer Inspector or the Chairman of the Sewer Committee is authorized to enter the applicable premises at any time during normal working hours to evaluate the method of identifying the separation of water usage or confirm actual meter readings.
   I. The Sewer Committee reserves the right to have an applicant confirm meter readings of the device utilized at scheduled Sewer Committee meetings or an informal meeting.
   J. The Town of Farmingdale reserves the right to refuse consideration of an abatement request if established procedures are not followed or if an abuse of the program has been documented.
   K. The determination of any abatement shall be determined by the Farmingdale Sewer Committee based on available information.
   L. Any abatement shall be credited to the next sewer bill.
10. Elimination of Unit. A living unit within a structure may be eliminated from established sewer usage charges. To qualify for this exemption, all water fixtures must be removed from the living unit and no fixtures replaced. Any request to have the sewer rate reduced by this procedure shall be confirmed by the Sewer Inspector. Any inspection by the Sewer Inspector shall be at the property owner’s expense at the established rate. No action shall be implemented concerning the reduction in sewer charges until

the Town has received full payment of all outstanding sewer and/or inspection charges.

11. Structure Demolition. The Sewer Inspector shall be notified prior to the demolition of a structure which has (or has had) water fixtures or the removal of a mobile structure intended as a living unit. The Sewer Inspector shall confirm that the waste line leading to the public sewer has been adequately and permanently capped. The inspection shall be at no cost to the property owner. Should the line to the sewer be covered over without the knowledge of the Sewer Inspector, the property owner is subject to all costs incurred to confirm adequate and necessary procedures have been implemented plus any costs incurred by the Sewer Inspector.

Sec. 3-213 Validity

1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
2. The invalidity of any section, clause, sentence, or provision of this article shall not affect the validity of any other part of this article which can be given effect without such invalid part or parts.

Effective: March 8, 1980

Revised: June 28, 2014

Revised: June 14, 2018

TOWN OF FARMINGDALE
SEWER APPLICATION

For Town Use Only

The undersigned being the_____
Owner(s) or Agent

Permit No_____

of property located at_____ Map No._____
No. Street

Lot No._____

does hereby request a permit to install and connect a sewer to serve building owned by

_____at said location.

The name and address of the person or firm who will perform work on property covered by this permit is_____

In consideration of the granting of this permit, the undersigned agrees:

1. To accept and abide by the provisions of the Town of Farmingdale Sewer Use Ordinance as is now in effect and that may be adopted in the future.
2. To enter the public sewer system at a location determined by the Town.
3. To be responsible for bringing building sewer to property line and to maintain same at no expense to the Town.
4. To notify the Town at least twenty-four (24) hours before the proposed connection or inspection is to be made.
5. To pay: A permit and inspection fee of $_____ Fees Paid

   A sanitary sewer connection charge of $_____

   _____
6. ALL PAYMENTS WILL BE MADE AT TIME OF APPLICATION. (Date)

Date_____ Signed_____

Telephone Number: Address_____

_____ _____

Application approved and permit is hereby issued.

TOWN OF FARMINGDALE Work Completed

By:_____ _____

Date_____ (Date/Initials)

Remarks:_____

_____

_____

_____

APPENDIX A

TOWN OF FARMINGDALE
APPLICATION FOR ABATEMENT OF SEWER USER CHARGE

1. Name of Owner _____ Account Number _____

2. Address _____ Phone _____

3 Name of persons completing form if other than owner _____

_____ Phone _____

METER READINGS IN CUBIC FEET OR GALLONS: (CIRCLE ONE)

1st Quarter – (Jan, Feb, Mar) _____, 20 _____

2nd Quarter – (Apr, May, June) _____, 20 _____

3rd Quarter – (July, Aug, Sept) _____, 20 _____

4th Quarter – (Oct, Nov, Dec) _____, 20 _____

4. Reasons for and method used to determine amount of abatement. _____

_____

_____

_____

_____

I hereby make written application for abatement of sewer user fee as noted above. The above statements are correct to the best of my knowledge and belief.

_____ _____
Date Signature

ACTION TAKEN CONCERNING APPLICATION FOR ABATEMENT OF SEWER USER FEE

In accordance with the foregoing request, an abatement of sewer user charges in the amount of _____, is granted/not granted. If not granted, or only partially granted the reason is:

_____

_____

Reviewed by Sewer Advisor Committee Approved by:

_____ _____
Signature

_____ _____
Date

_____
Selectmen

APPENDIX B

ARTICLE 3 SPECS FOR INSTALLATION OF SANITARY SEWERS

Sec. 3-301 General Requirements

Article 3 presents the specifications for the installation and related activities associated with sanitary sewers. No work shall begin on a sewer line extension before the proposed alterations, extensions, permits, etc., have been approved by the Planning Board, Sewer Committee and Road Commissioner (if applicable). The Sewer Inspector is the primary contact with the Town of Farmingdale for sewer related activities.

Sec. 3-302 Permits

A sewer permit shall be valid for eighteen (18) months. Should a project consist of several phases, the phases shall be determined by the amount of work expected to be completed within the life of the permit. A plan which may consist of several phases shall be approved for one phase at a time with possibly conceptual approval for the balance of the project. Work permitted but not completed at the termination of a Sewer Permit shall cease and shall require an additional permit prior to completion.

Sec. 3-303 Fee Schedule

The established fee schedule shall be paid in full prior to any use of the newly installed system or part of a system. The established fee shall consist of several rate schedules, reference Appendix 1, which may include, but are not limited to:

1. Any main line extension shall include three (3) or more single family homes, a business or equivalent.
2. Connection of a single (1) or two (2) family home, or equivalent, to the public sewer.
3. Connection of three (3) or more residential units or businesses with traditional sewerage.
4. Connection of a diner, restaurant or other food service facility or a facility which generates sewerage significantly different from that of a single family home as determined by the Farmingdale Sewer Committee.

Sec. 3-304 Inspections

Any sewer line on private property intended for future connection to the Farmingdale Sewer System requires appropriate permit, inspection and approval by the Sewer Inspector. Any sewer related activity within a Traveled Way shall also require the authorization, inspection and approval of the Road Commissioner for work other than sewer related activities. By virtue of an applicant requesting a sewer permit and the granting of the permit by the Sewer Inspector, the applicant grants permission of the Sewer Inspector to enter the premises for purposes to observe, evaluate, inspect, enforce or otherwise perform the duties expected of a Sewer Inspector. Should any portion of a sewer project be within a Traveled Way, the Sewer Inspector and Road Commissioner shall have full authority to observe, evaluate, inspect and enforce related activities, or to otherwise perform the duties expected of the Sewer Inspector and/or Road Commissioner for respective duties. Approval of a permit grants authority of municipal officials to observe the permitted activities. Additional technical assistance requested by the Sewer Inspector, after review with the Board of Selectmen, shall be borne by the Applicant. Any concern of who may be authorized to enter the premises shall be determined by the Board of Selectmen. Any adverse sewer impact created by a project, such as requiring an expansion of an existing sewer line, shall be borne by the applicant.

Sec. 3-305 Work Performed

This section attempts to clarify the major phases of work associated with a project and certain stipulations.

1. Survey. The Contractor shall employ at his own expense a competent surveyor, who shall stake out the lines and grades for all pipes, structures, and other portions of the work; establish levels. All reference marks shall be verified by an instrument at frequent intervals and the Contractor shall be responsible for the accuracy of all lines and grades relative to the project. Gravity sewers shall be laid with laser beam unless by other means approved by the Sewer Inspector. Whenever the individual normally in charge is not present on any part of the work, a competent assistant shall be placed in charge with full authority to act.
2. Contractor. The Contractor shall furnish all labor, materials and equipment in order to construct gravity sewers, pressure mains, manholes, connections, and such other structures or features as may be required to complete the work in accordance with said plans and specifications. Construction work shall start on a date and place mutually agreed upon between the Sewer Inspector and the Contractor. Work shall be continued with regularity until its completion. Sufficient labor and equipment shall be supplied to maintain a rate of progress satisfactory to the Sewer Inspector. The Contractor is responsible to comply with all applicable Federal, State and Local safety and health standards.
3. Specifications. All the work shall conform to the Town's specifications and to any accompanying plans prepared by a Maine Licensed Professional Engineer submitted by the applicant. Sewers shall be installed at locations shown on the plan, and to the line and grade indicated on the plan. All piping shall be complete, including fittings, connections to existing structures and other miscellaneous items of work. The Sewer Inspector, or an authorized designee, shall inspect and authorize various stages of sewer related work during a project. The Sewer Inspector shall inspect and require compliance of work for any sewer extension or maintenance within the Town of Farmingdale; including new or expanded subdivisions. The Farmingdale Code of Ordinances, Chapter 3, "Public Property, Utilities, and Solid Waste" details the necessary requirements. Specifically referenced are Article 1, "Street Design, Construction and Related Standards" (page 3-3) and Article 3, "Specifications for Installation of Sanitary Sewers" (page 3-47).
4. Final Inspection. Any sewer line activity shall be inspected and approved by the Sewer Inspector prior to any use of the activity. Use of any sewer line which has not been approved by the Sewer Inspector shall constitute a violation of this Ordinance and be subject to established penalties. Should any sewer activity be solely on private property, the Sewer Inspector shall be responsible for inspection and approval of all related work activity. Should sewer activities be within a subdivision, Traveled Way, or partially within a Traveled Way, the Road Commissioner shall be responsible to inspect the backfilling after the sewer line has been laid or maintained and backfilled to six (6) inches above the pipe within the Town way. The Sewer Inspector shall be responsible to inspect the excavation of the trench plus the bedding and backfilling to six (6) inches above the sewer pipe.
5. Maintenance Agreement, Plans. Public sewers constructed on private land after March 22, 1997 shall not be used unless a permanent maintenance easement is conveyed to the Town that is not less than thirty (30') feet in width (15 feet from center of a pipe on each side) along the length of said sewer line shown on the proposed plan and filed at the Kennebec County Registry of Deeds prior to installation. As built plans shall be provided to the Town within 45 days of installation and prior to use.

6. Connection to Public Sewer. Any new connection to the public sewer shall be accomplished by the Sewer Maintenance Contractor or a designated replacement approved by the Farmingdale Sewer Committee. All fees shall be paid by the Applicant. Any new connection at a main sewer line shall be run to the property line.
7. Extension of Public Sewer. Any new extension of the public sewer shall not be connected to the pre-existing public sewer until the project has been inspected and approved plus all fees paid.

Sec. 3-306 Trench

1. Trench Width and Bottom. The width of the excavation shall be kept as small as practicable to carry on the work but not less than the diameter of the pipe plus two feet. The trench bottom referred to in the specifications is defined as being six (6) inches below the bottom of the barrel of the sewer pipe or coupling.
2. Water in Trenches. Sewer excavations are to be kept free from water. No pipe or masonry is to be laid in water and water is not to be allowed to rise on or flow over any pipe or masonry until such time as approved by the Sewer Inspector.
3. Trench and Road Subgrade. All organic materials shall be removed to subgrade if on private land or two (2') feet if below a Traveled Way. Rocks and boulders visible at subgrade and exceeding six (6) inches in size shall also be removed. Any suitable material required for filling above trench bottom, in lieu of earth from the trench excavation, shall be placed by the Contractor. Selected material shall be clean granular and free from loam, sod, roots, or other organic material and from stones.
4. Filling Below Trench Grade. The Contractor shall furnish and place selected fill material or crushed stone below trench bottom, as directed and to such depths as determined by the Sewer Inspector.

Sec. 3-307 Backfilling of Trench

1. Material. The contractor shall first place and consolidate a minimum six (6) inch layer of approved 3/4-inch crushed stone on all trench bottoms. After the pipe has been laid, additional 3/4" of screened gravel crushed stone shall be placed and compacted to the mid-point, a distance six (6") inches above the top of the pipe. Geotech filter fabric, the width of the trench, shall be placed on top of the top layer of stone so the fines do not filter into the stone. Before additional material is added the Sewer Inspector shall approve the compaction of this layer. The trench shall then be carefully backfilled with screened gravel deposited in eight (8) inch layers, thoroughly compacted by mechanical means until the pipe has at least six (6) inches of cover over the top of the pipe. Material taken from the excavation may be utilized only if approved by the Sewer Inspector or Road Commissioner; whichever is applicable. No mud, frozen earth, or stones larger than six (6) inches in diameter may be used for backfilling. The remainder of the trench shall be backfilled as noted below.
2. Layers. The distance between a line six (6) inches over the top of the pipe to the top of the trench shall be carefully backfilled in not over eight (8) inch layers using suitable material
3. Roads, Walks, Drives. Any excavating / backfilling shall be completed in compliance with established criteria. Both the Sewer Inspector and the Road Commissioner shall be responsible to inspect and approve pertinent construction for respective, defined responsibilities.

4. Other than In Roads, Walks, Drives. Any excavating / backfilling shall be completed in compliance with Articles I and III. The Sewer Inspector shall be responsible to inspect and approve any construction.
5. Compaction. All trench backfill shall be consolidated by a vibratory compaction system, proposed by the contractor subject to approval of the Sewer Inspector and/or the Road Commissioner. The approval of the proposed method of compaction of the backfill shall in no way be construed as relieving the Contractor of responsibility for settlement of trenches, and any settlement shall be repaired by him at his own cost and expense. This responsibility shall extend for a period of twelve months. If the pipe is displaced from alignment during backfilling, it shall be relaid at the Contractor's expense.
6. Final Grading. After the completion of all backfilling operations, the Contractor shall grade the site to the lines, grades and elevations shown on the Contract Drawings and/or existing terrain conditions in the immediate vicinity.

Sec. 3-308 Responsibilities

1. Responsibilities of the Town of Farmingdale.
   A. Construct, maintain and repair the public sewer system located within a Town accepted right of way.
   B. Construct, maintain and repair the public sewer system which may not be within a Town accepted right of way but shall be located within a minimum thirty (30') foot wide maintenance easement.
   C. The Town shall pay necessary costs for any repair necessary within the Town accepted right of way provided any work is performed under the direction of the Sewer Inspector and/or the Town retained Sewer Maintenance Contractor after acceptance of any new installation.
   D. Any new connection to the public sewer line shall be done by the Town Sewer Maintenance Contractor or a contractor previously approved by the Sewer Committee. The sewer line shall be extended to the property line but all costs paid by the Applicant. Should a chimney be required, the Sewer Maintenance Contractor shall install the device within the right of way but at the property owner's expense.
2. Responsibilities of the Applicant (Property Owner).
   A. Construct any new sewer line from a structure to the property line in compliance with this Article. Any new construction shall be inspected and approved by the Town Sewer Inspector.
   B. Incur all costs associated between the property line and the public sewer for any new construction.
   C. The property owner is responsible to determine the location of any blockage or disruption of service.
   D. The property owner shall maintain and repair the sewer line from a structure to the property line and shall pay all repair costs incurred. Any repaired construction shall be inspected and approved by the Town Sewer Inspector.

Sec. 3-309 Protection of Water Supplies

1. Water Supply Interconnections. There shall be no physical connection between a public or private potable water supply system and a sewer, or appurtenance thereto which would permit the passage of any sewage or polluted water into the potable supply.
2. Relation To Water Works Structures. While no general statement can be made to cover all conditions, it is generally recognized the sewers shall meet the requirements of the approving agency with respect to minimum distances from public water supply wells or other water supply sources and structures.
3. Relation To Water Mains
   A. Horizontal Separation. Whenever possible, sewers should be laid at least 10 feet, horizontally, from any existing or proposed water main. Should local conditions prevent lateral separation of 10 feet, a sewer may be laid closer than 10 feet to a water main if:
      1) It is laid in a separate trench.
      2) It is laid in the same trench with the water mains located at one side on a bench of undisturbed earth.
      3) In either case the elevation of the crown of the sewer is at least 18 inches below the invert of the water main.
   B. Vertical Separation. Whenever sewers must cross under water mains, the sewer shall be laid at such an elevation that the top of the sewer is at least 18 inches below the bottom of the water main. When the elevation of the sewer cannot be buried to meet the above requirement, the water main shall be relocated to provide this separation or the sewer shall be encased in concrete for a distance of ten feet on each side of the water main.

Sec. 3-310 Gravity Sewers

1. Sewers shall be furnished and installed at locations shown on plan, and to the line and grade indicated on plan. All piping shall be complete, including fittings, connections to existing structures, and other miscellaneous items of work. Gravity sanitary sewers with more than twelve feet of cover shall be Blue Brute C-900 PVC.
2. Pipe.
   A. PVC-SDR-35. Pipe shall conform to ASTM D 3034 for sizes 4” – 15” and ASTM F679 for sizes 18” – 27”. PVC resin compound shall conform to ASTM D 1784 and rubber gaskets shall conform to ASTM D 3212 and F 477. Standard laying lengths shall be 13 ft. The pipe shall be colored green to identify it for sewer applications.
   B. Ductile Iron Pipe. Pipe shall be manufactured in accordance with the requirements of ANSI / AWWA C151 / A21.51 Ductile Iron Pipe, Centrifugally Cast, for Water and Other Liquids. Pipe shall be manufactured in accordance with the requirements of ANSI / AWWA C111 / A21.11 Rubber Gasket Joints for Ductile Iron Pressure Pipe and Fittings. Pipe thickness shall be designed in accordance with the requirements of ANSI / AWWA C150 / A21.50 Thickness Design of Ductile Iron Pipe and shall be based on laying conditions and internal pressure as specified in the project plans. Pipe shall have cement mortar lining and seal coating, unless otherwise specified, in accordance with the requirements of ANSI / AWWA C104 / A21.4 Cement Mortar Lining for Ductile Iron Pipe
   C. Service Connections. Contractor shall furnish and install wyes and teewyes as required in the pipe lines. These will be used for service connections. Wyes and

teewyes shall be made of the same material as the main line pipe.

D. Excavations. Excavations shall be made to a point at least 6-inches below the pipe to accommodate the bedding material as previously specified. All excavations shall be kept dry while pipe is being laid and until each joint and pipe has been observed by the Sewer Inspector plus approval given to commence backfilling operations.

E. Installation. Pipe shall be laid in strict accordance with the pipe manufacturer's published recommendations. Any pipe which is not laid to grade and alignment shall be relaid to the satisfaction of the Sewer Inspector. No pipe laying will be allowed to begin at any point other than a manhole or other appurtenance without the expressed consent of the Town.

F. Inspection. If a new sewer extension is tying into an existing system, a plug shall be kept installed in the new line until all new construction is accepted by the Town of Farmingdale and all piping and manholes have been cleaned and tested.

G. Chimneys. Chimneys shall be located where directed by the Sewer Inspector or prepared plans and constructed in accordance with the details shown on the plans. Concrete encasement shall be 3,000-pound class. Ends of chimney shall be capped with standard caps. Reference Appendix A.

Sec. 3-311 Manholes

1. General. The Contractor shall furnish, construct and install all manholes, complete, including the excavation, precast reinforced concrete base, barrel sections, cone section at the top of the chimney, cast in place concrete slabs for drop manholes, manhole steps, frame and cover, backfill and all accessories to complete the manholes as shown on the Drawings and as specified. All holes for sewer pipes being attached to existing or new manholes shall be mechanically bored and a flexible boot shall be installed in a water tight manner. Reference Appendix B.
2. Materials.
   A. Brick. Brick shall be Grade H (hard) brick conforming to the Federal Specifications for Building Brick (common) Designations SS-B-656 and amendments thereto, new and of first quality, whole, sound, hard burned throughout of uniform color, and equal in quality to samples which shall have been approved by the Town.
   B. Precast Concrete. Precast Concrete manholes shall conform to the applicable provisions of ASTM Designation C478 for strength requirements and shall be as manufactured for manholes with aluminum manhole steps cast in place. Reference Appendix B.
3. Precast Concrete Chimney. The precast concrete sections shall confirm to ASTM C478, Standard Specifications for “Precast Reinforced Concrete Manhole Sections”.
4. Manhole Steps. Manhole steps shall be aluminum and shall conform to ASTM B221, Alloy 6061-T6 or steel reinforced polypropylene.
5. Precast Concrete Grade Rings. Precast grade rings shall be utilized in preference to bricks. Grade Rings shall be precast reinforced concrete with a minimum 4,000 psi after 28 days. Chimneys shall be of precast concrete construction except a maximum of two (2) layer of bricks may be utilized unless prior approval from the Sewer Inspector has been obtained due to extenuating circumstances
6. Frame and Cover.
   A. Manhole covers and frames shall be Etheridge No. E265S, or equal, and interchangeable.

B. Set to final grade as shown on the Drawings and as specified. Provide adequate temporary covers to prevent accidental entry until final placement of frame and cover is made.

C. Set manhole frames and covers to final grade only after pavement base course has been applied, or after final grading of gravel roads. A minimum of two (2") inches of asphalt shall be placed around the manhole frame.

Sec. 3-312 Manhole Installation

1. General. Manholes of precast reinforced concrete sections and bases shall be furnished with aluminum or steel reinforced polypropylene steps cast in place; with a 5-inch wall thickness of all barrel sections; and with a wall thickness varying from 5-inches at the bottom to 8-inches at the top of all cone sections. All joints shall be grooved type with rubber gaskets and joints shall be fully bedded with mortar after setting pipe sections. Lifting holes in all pipe sections shall be filled solid with mortar both inside and out. Exterior surfaces of all concrete manholes shall be painted with two coats of Bituplastic No. 28, or an approved equal, and wrapped in plastic to below the frost line.
2. Bricks. The top uppermost reinforced concrete sections shall be set at a grade that will allow a minimum of one (1) course and a maximum of two (2) courses of brick and mortar before setting the cast iron frame and cover. Mortar for brick masonry shall be made of Portland Cement mixed in the proportions of one part cement to two parts of sand, worked to the proper consistency.
3. Proper Handling. The Contractor shall furnish and faithfully use suitable slings, hooks, cable, or such other means as he may elect, for proper handling of reinforced pipe sections and bases. No cracked, damaged or defective sections will be allowed in the work. Each pipe section must be inspected and approved by the Town immediately prior to final placement. Any sections not approved for use in this work shall be removed from the site and satisfactorily disposed.
4. Tables and Inverts. Tables and inverts shall be as shown on plans and shall be constructed of brick, concrete or fiberglass. Inverts shall have the exact shape of the sewers which are connected, and any change in size or direction shall be gradual and even.
5. Protection of the Work. Adequate precautions shall be taken during freezing weather to protect the masonry from damage by frost. No water shall be allowed to rise in excavations for manholes until all mortar and cement has set sufficiently. Upon completion, all debris shall be removed from each manhole.
6. Watertight Work Required. The entire work of constructing manholes must be carried on in a manner to insure watertight work. Any leak in manholes shall be caulked and completely repaired from the exterior of the manhole or the entire work shall be removed and rebuilt. All pipe openings shall have an approved neoprene boot meeting ASTM C-443 to insure a watertight seal between the pipe and manhole.
7. Manholes Testing. All manholes shall be tested by the contractor and the testing equipment provided by the contractor as to water tightness as follows:
8. Vacuum Testing of Manholes.

   A. Each manhole shall be tested immediately after assembly and prior to backfilling.

   B. All lift holes shall be plugged with an approved non-shrink grout.

   C. All pipes entering the manhole shall be plugged, taking care to securely brace the

plug from being drawn into the manhole.

D. The test head shall be placed at the inside of the top of the cone section and the seal inflated in accordance with the manufacturers recommendations.

E. A vacuum of 10 inches of Hg shall be drawn and the vacuum pump shut off. With the valves closed, the time shall be measured for the vacuum to drop to 9 inches. The manhole shall be considered to have passed the test if the time for the loss of 1 inch Hg vacuum is as follows:

Depth of Manhole (feet)	Time (min)
0 – 10	3.0
10 – 15	3.5
15 – 20	4.0
20 – 25	4.5
> 25	5.0

F. If the manhole fails the initial test, necessary repairs shall be made with a non-shrink grout (Water Plug) while the vacuum is still being drawn. Retesting shall proceed until a satisfactory test is obtained.

Sec. 3-313 Service Connections, Gravity

1. General. Service connection pipe shall be furnished and installed as required. Connections shall be complete including excavation and backfill, pipe, fittings, connections and other miscellaneous items of work.
2. Materials. Pipe shall be a minimum of four (4”) inches in diameter as approved by the Sewer Inspector, and the same material as the main sewer. Pipe shall be manufactured and tested in the United States. All pipe and fittings shall be connected by standard couplings and gaskets furnished by the manufacturer. All elbows used for service connections shall be bends or sweeps.
3. Installation. All work in regard to joints, laying, etc. shall be as specified. Pipe shall be installed at a slope of at least ¼ inch per foot unless otherwise approved by the Sewer Inspector. The end of each service lead shall be properly capped to prevent any objectionable material from entering the pipe. Contractor shall furnish and install a 2" x 4" wood strip at the end of the connection, extending from the pipe to a point 2 feet above the finish surface of the ground. All sewer service lines shall be buried with a metallic “tracer” tape acceptable to the Sewer Inspector to aid in their future location. The tracer tape shall be labeled “sewer” and be located approximately three (3) feet above the service line and shall extend from the connection of the service to the main to the foundation wall.
4. Swing Ties. The Contractor shall keep an accurate log containing at least two swing ties to the end cap of each service lead. The Contractor shall also keep an accurate log containing the distance to each service fitting, ahead or behind the nearest manhole, to the nearest tenth of a foot. Copies of the swing tie measurements shall be given to the Sewer Inspector on a daily basis. Swing tie measurements shall also be shown on the “As Built” plan.

Sec. 3-314 Catch Basins

1. Reference Opening Permit Ordinance.
2. Reference Street Design Ordinance.

Sec. 3-315 Pump Stations, Traditional

1. Pump Station. All municipal sewerage pumping facilities shall be adequately designed to handle raw sewage. All pumping facilities shall be properly sized to prevent sewage from becoming septic before discharge sewage is received by the gravity system. An alarm device shall be provided on all pumping facilities which shall be located at a site determined by the Farmingdale Sewer Committee. This alarm device shall be adjusted to detect, but not limited to, high water in the receiving chamber and a power failure. Private, or individual, pumping stations do not require an alarm connected to the municipal system and is not allowed. However, it is advisory that a private, or individual, pumping station should have an alarm system installed for personal knowledge of any problem.

   A. Contractor. The contractor shall fully coordinate all related field operations with the Pump Station Manufacturer. Coordination shall include: verifying dimensions of equipment furnished, interfacing with and connection of all exterior piping and utilities in the field, connecting external power to the pump station, and all other miscellaneous components as required for a complete, properly operating pumping facility. The pumping station manufacturer shall provide factory trained qualified personnel to assemble the pumping station in the field as the Contractor is placing it in the excavation. The work of this section includes furnishing all labor, materials and equipment required to furnish and install one submersible pump station with all equipment as indicated on the drawings and specified herein.

   B. Manufacturer's Qualifications. One (1) Manufacturer shall furnish the pumping station and all equipment contained within them as a complete packaged system. Alternate systems based on a built-in-place, field erected pumping station utilizing precast or cast-in-place concrete shall not be accepted. The factory built pumping station shall be a standard product in regular production by the Manufacturer who shall have five years minimum, successful experience in the design and assembly of products similar to that specified herein.

   C. Shop Drawings. Shop drawings for all products and equipment specified and/or referred to herein shall be submitted to the Owner's Engineer and the Town Sewer Committee for review prior to their manufacture and/or shipment. Also to be included:

      1) Structural design calculations and floatation calculations.

      2) Schematic electrical wiring diagrams, piping layouts and descriptive literature on each item of equipment to be furnished.

   D. Guarantee. All products and/or equipment incorporated into the precast pump station and valve pit shall be guaranteed for a minimum period of one (1) year from startup or eighteen (18) months after installation, whichever occurs first.

2. Pump Station Pumps. Furnish and install two (2) submersible non-clog wastewater pumps. Each pump shall be equipped with a submersible electric motor, connected for operation based on existing available power and as designed by a Maine Licensed Professional Engineer. The power cable shall be sized according to NEC and ICEA standards and also meet with P-MSHA Approval. The pump shall be supplied with a mating ductile iron discharge connection. Each pump shall be fitted with adequate feet of stainless steel cable. The working load of the lifting system shall be a minimum of 50% greater than the pump unit weight.

3. Pump Design. The pumps shall be automatically and firmly connected to the discharge connection, guided by no less than two guide bars extending from the top of the station to the discharge connection. There shall be no need for personnel to enter the wet-well. Sealing of the pumping unit to the discharge connection shall be accomplished by a machined metal-to-metal watertight contact. Sealing of the discharge interface with a diaphragm, O-ring or profile gasket will not be acceptable. No portion of the pump shall bear directly on the sump floor.

Sec. 3-316 Force Main, Traditional

1. General. The work of this section includes furnishing all labor, materials and equipment required to furnish and install the pipe specified herein for a force main from the pumping station(s) to the gravity sewer. All force mains throughout the entire length of lines shall be tested for water tightness. Testing shall be by internal pressure tests. Any testing shall be conducted in the presence of the Sewer Inspector at the contractor's expense.
2. Pressurized Systems. The traditional method of wastewater disposal via a pressurized system entails a method where the wastewater flows by gravity to a pump station which, in turn, pumps the sewerage to its destination to enter the gravity system via a manhole. The pump station and the pressurized pipe are located within the Town Right of Way (ROW) and the entire system located within the ROW, is maintained by the Town. Individual property owners are responsible for any maintenance outside the Town ROW.

Sec. 3-317 Pump Stations and Force Main, Non-traditional

1. A non-traditional system requires extensive review plus approval from the Sewer Committee and the Planning Board of a comprehensive engineered plan by a Maine Licensed Professional Engineer. A system shall not be approved for economical rationale unless the cost of a typical pressurized or gravity flow system shall cost a minimum of three (3) times the cost of the non-traditional system. Based on the financial assessment requirement, the review process shall include a cost assessment of alternative systems to include a minimum of a typical pressurized system plus a gravity system. This alternative is intended for those circumstances where limitations exist to prevent a typical pressurized system or gravity flow system.
2. A non-traditional system normally consists of a pressurized line within the ROW, as previously described, for the use of several clients. However, each client has a private, individual pumping station which is utilized to pump private sewerage to the common pressurized common line and ultimately to the gravity line. The pressurized common line shall connect to the gravity sewer via an appropriate manhole. Cleanouts in the pressurized line shall be provided a maximum of one hundred (100') feet between cleanouts the length of the common line or a change of direction in excess of 45o.
3. A force main manhole chimney shall be installed on each individual line connecting with the common line on private property but near the property line. The chimney shall include, but not be limited to, a check valve and a gate valve, or an approved substitute valve, suitable to shut any service off. The Town of Farmingdale shall be responsible for maintenance of the sewer system from and including the chimney.

Sec. 3-318 Force Main Pipe

1. Pipe.
   A. PVC Pipe. PVC Ring-tite shall be minimum of 200 psi pressure pipe meeting the requirements of ASTM Designation D22341, D1784 and D1869. Provisions must

be made for contraction and expansion at each joint with a rubber ring and integral bell as part of each joint. Pipe and fittings must be assembled with a nontoxic lubricant, manufactured by the pipe manufacturer.

B. Ductile Iron Pipe. Pipe shall be manufactured in accordance with the requirements of ANSI / AWWA C151 / A21.51 Ductile Iron Pipe, Centrifugally Cast, for Water and Other Liquids. Pipe shall be manufactured in accordance with the requirements of ANSI / AWWA C111 / A21.11 Rubber Gasket Joints for Ductile Iron Pressure Pipe and Fittings. Pipe thickness shall be designed in accordance with the requirements of ANSI / AWWA C150 / A21.50 Thickness Design of Ductile Iron Pipe and shall be based on laying conditions and internal pressure as specified in the project plans. Pipe shall have cement mortar lining and seal coating, unless otherwise specified, in accordance with the requirements of ANSI / AWWA C104 / A21.4 Cement Mortar Lining for Ductile Iron Pipe.

C. HDPE Pipe. Polyethylene pipe shall be made from high density, extra high molecular weight compound equaling a PE 3408 designation and shall conform to ASTM-1248 and ASTM-3350; with a cell classification of 3454C and a minimum SDR of 9.0.

D. Tracer Wire. All non-conductive pipe materials used for force sewer mains shall be provided with a minimum No. 6 AWG insulated copper or approved equal tracer wire laid along the top of the pipe and secured by means acceptable to the Sewer Inspector. Tracer wire must be continuous as to not break conductivity. If wire must be cut and/or reconnected, splice wires with a minimum 6” overlap and use 2 u-bolt cable connecters that will not degrade conductivity. Tracer wire must be brought up to within 3” of ground surface and secured at all manholes or other access points for connection to an electronic pipe locator.

E. Bracing and Blocking. All bends, 22-1/2 or greater, tees, plugs, etc., shall be blocked and anchored with concrete so that there will be no movement of the pipe in the joints clue to internal or external pressures. The concrete shall be placed around the fittings and the walls of the trench. The anchor concrete shall be so placed that joints may be caulked or tightened if necessary. Backfilling shall not be done until the anchor blocks have gained their initial set.

F. Swing Ties. The Contractor shall keep an accurate log containing at least two swing ties to the end cap of each service lead. The Contractor shall also keep an accurate log containing the distance to each service fitting, ahead or behind the nearest manhole, to the nearest tenth of a foot. Copies of the swing tie measurements shall be given to the Sewer Inspector on a daily basis. Swing tie measurements shall also be shown the “As Built” plan.

Sec. 3-319 Leakage and Leakage Tests

1. General. All gravity sewers and force mains throughout the entire length of lines shall be tested for water tightness. Testing shall be by internal pressure tests.
2. Testing. The Contractor shall furnish, at his own expense, the necessary facilities for making the tests including the furnishing and placing of bulkheads, furnishing and placing of water and other necessary materials, labor and equipment.
3. Pipe Section. A section under these specifications shall mean a length of sewer between any two manholes. The force mains shall be tested after the lines are completed.

4. Internal Pressure Test for Force Mains. All pipe lines shall be tested hydrostatically for 15 minutes at a pressure 50 percent in excess of the pressures to which the pipe will normally be subjected, unless different test pressures are required by the Town but in no case less than 50 pounds per square inch (psi). Any obvious leaks or ruptured piping disclosed by the tests shall be repaired or replaced and the test repeated to the Town's satisfaction.
5. Hydrostatic Test. In addition, all pipe lines shall then be tested hydrostatically for leakage for one hour at a pressure equal to the maximum rated pressure of the section of line under test. The rate of leakage shall not exceed 100 gallons per mile of pipe per 24 hours per inch of nominal pipe diameter. Any leaks or defective pipe disclosed by the leakage test shall be repaired or replaced and aforementioned leakage test repeated as often as necessary until the leakage requirement is met.

Sec. 3-320 Low Pressure Air Test For Gravity Sewers

1. The Contractor shall test the gravity sewers with a low pressure air test. It shall be conducted in compliance with the following: After completing backfill of a section of wastewater line, the Contractor shall, at his own expense, conduct a Line Acceptance Test using low pressure air. The test shall be performed using the below stated equipment, according to stated procedures and under the supervision of the Sewer Inspector.
2. Equipment. Cherne Air-Loc Equipment, as manufactured by Cherne Industrial, Inc. of Edina, Minnesota or approved equal. Equipment used shall meet the following minimum requirements:
   A. Pneumatic plugs shall have a sealing length equal to or greater than the diameter of the pipe to be inspected.
   B. Pneumatic plugs shall resist internal test pressures without requiring external bracing or blocking.
   C. Three individual hoses shall be used for the following connections:
      1) From control panel to pneumatic plugs for inflation.
      2) From control panel to sealed line for introducing the low pressure air.
      3) From sealed line to control panel for continually monitoring the air pressure rise in the sealed line.
   D. Procedure. All pneumatic plugs shall be seal tested before being used in the actual test installation. One length of pipe shall be laid on the ground and sealed at both ends with the pneumatic plugs to be checked. Air shall be introduced into the plugs to 25 psig. The plugs shall hold against this pressure without bracing and without movement of the plugs out of the pipe.
   E. After a manhole to manhole reach of pipe has been backfilled and cleaned, and the pneumatic plugs are checked by the above procedure, the plugs shall be placed in the line at each manhole and inflated to 25 psig. Low pressure air shall be introduced into this sealed line until the internal air pressure reaches 4 psig greater than the average back pressure of any ground water that may be over the pipe. At least two minutes shall be allowed for the air pressure to stabilize.
   F. After the stabilization period (4.0 psig minimum pressure in the pipe), the air hose from the control panel to the sir supply shall be disconnected. The portion of line being tested shall be termed "Acceptable" if the time required in minutes for the pressure to decrease from 4.0 to 3.5 psig (greater than the average back

pressure of any ground water that may be over the pipe) shall not be less than the time shown for the given diameters in the following table:

Pipe Dia. In Inches	Minutes
4	2.0
6	3.0
8	4.0
10	5.0
12	5.5
15	7.5
18	8.5
21	10.0
24	11.5

In areas where ground water is known to exist, the Contractor shall install a one-half inch diameter capped pipe nipple, approximately 10-inches long, through the manhole wall on top of one of the sewer lines entering the manhole. This shall be done at the time the sewer line. is installed. Immediately prior to the performance of the Line Acceptance Test, the ground water shall be determined by removing the pipe cap, blowing air through the pipe nipple into the ground so as to clear it, and then connecting a clear plastic tube to the nipple. The hose shall be held vertically and a measurement of the height in feet of water over the invert of the pipe shall be taken after the water has stopped rising in this plastic tube. The height in feet shall be divided by 2.3 to establish the pounds of pressure that will be added to all readings. (For example, if the height of water is 11.5 feet, then the added pressure will be 5 psig. This increases the 4.0 psig to 9.0 psig and the 3.0 psig to 8.0 psig. The allowable drop of one pound and the timing remain the same.)

The Contractor shall furnish all labor, material and equipment for making infiltration and leakage tests. The attention of the contractor is directed to the strict requirements relative to maximum rates of the infiltration and to the importance of these specifications relative to tight joints required. Sewers not meting the above requirements shall be repaired as necessary at the contractor's expense.

Sec. 3-321 Final Location Drawing

Prior to final acceptance of all new sewer work, within the Town right of way, three (3) copies of an As-Built drawing on 24" x 36" plat showing the final location of all new sewer work and any appropriate easement shall be submitted to the Town. The drawing shall show complete plan and profile of all new sewer work at a scale of 1" = 40' Horizontally and 1" = 4' Vertically.

Sec. 3-322 Interceptors

Grease Traps.

A. Grease traps shall be installed for all restaurants or other establishments involved in food preparation. If external grease trap is necessary, the trap shall be designed by a Maine Licensed Professional Engineer and be in compliance with appropriate State and Local standards.

B. The inlet invert shall be at least three (3) inches above the outlet invert.

C. The inlet baffle or sanitary tee shall extend at least 24 inches below the liquid level.

D. The outlet baffle or sanitary tee shall extend to within 8 inches of the tank's

bottom.

E. The grease trap shall be provided with an inspection or cleanout cover over the inlet and outlet.

F. Black waste shall not be connected to a grease trap.

G. All wastewater from the kitchen operation shall be connected to the external grease trap. The effluent from the grease trap shall connect to the inlet of the treatment tank.

H. Flow control fittings should be installed on the inlet side of smaller traps to protect against overloading.

I. The grease-retaining capacity in pounds should equal at least twice the peak flow rating in gallons per minute.

J. For restaurants, a working capacity of three (3) gallons per person/day should provide adequate grease retaining capacity.

K. Single compartment traps are acceptable but double compartment traps are recommended for larger flows. Reference Appendix C.

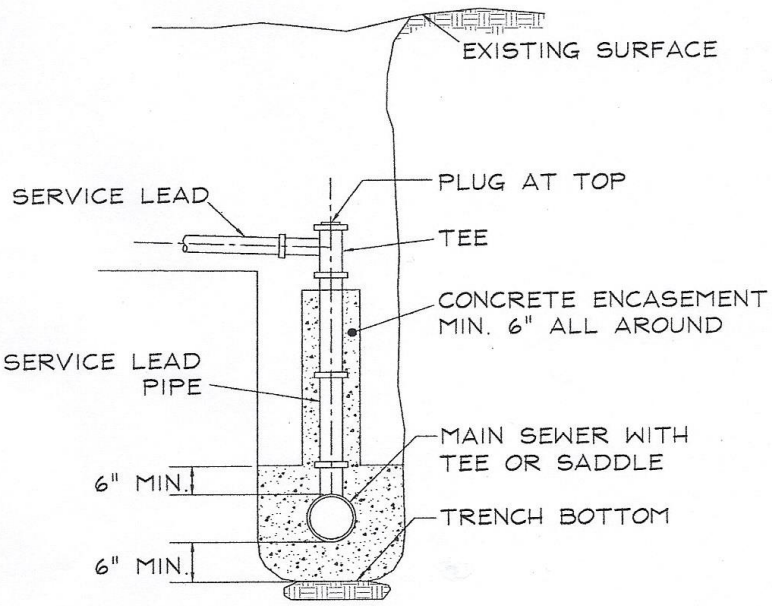
3. Sand and Oil/Grease Traps.

A. Every private or public wash rack and/or floor slab used for cleaning machinery or machine parts shall be adequately protected against storm or surface water and shall drain or discharge into a sand and grease interceptor or an approved exterior tank design. Reference Appendix D.

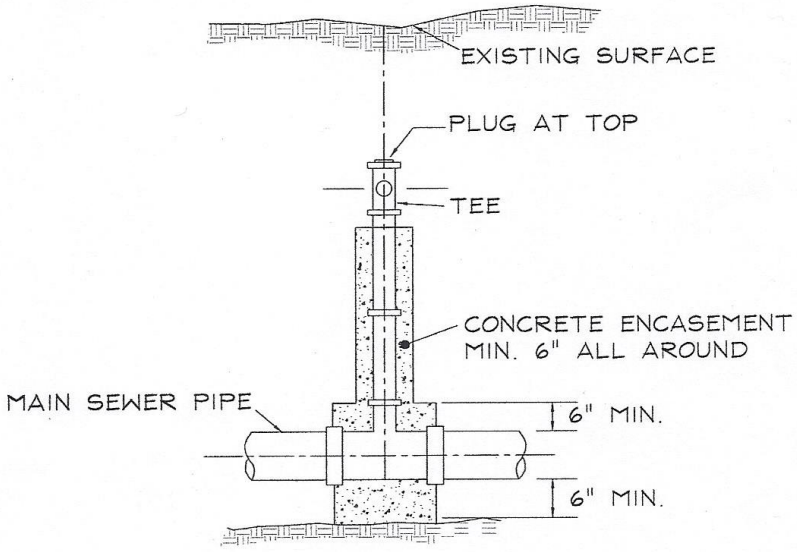
B. Interceptors shall have a capacity of six (6) cubic feet where not more than three (3) vehicles are serviced and one (1) cubic foot in net capacity shall be added for each additional vehicle up to ten (10) vehicles. Where more than ten (10) vehicles are serviced and stored, the Sewer Committee shall determine the size of separator required.

C. Where storage facilities are not maintained, as in repair shops, the capacity of the separator shall be based on a net capacity of one (1) cubic foot for each one hundred (100) square feet of surface to be drained into the interceptor with a minimum capacity of six (6) cubic feet.

Revised: June 28, 2014
Revised : June 14, 2018



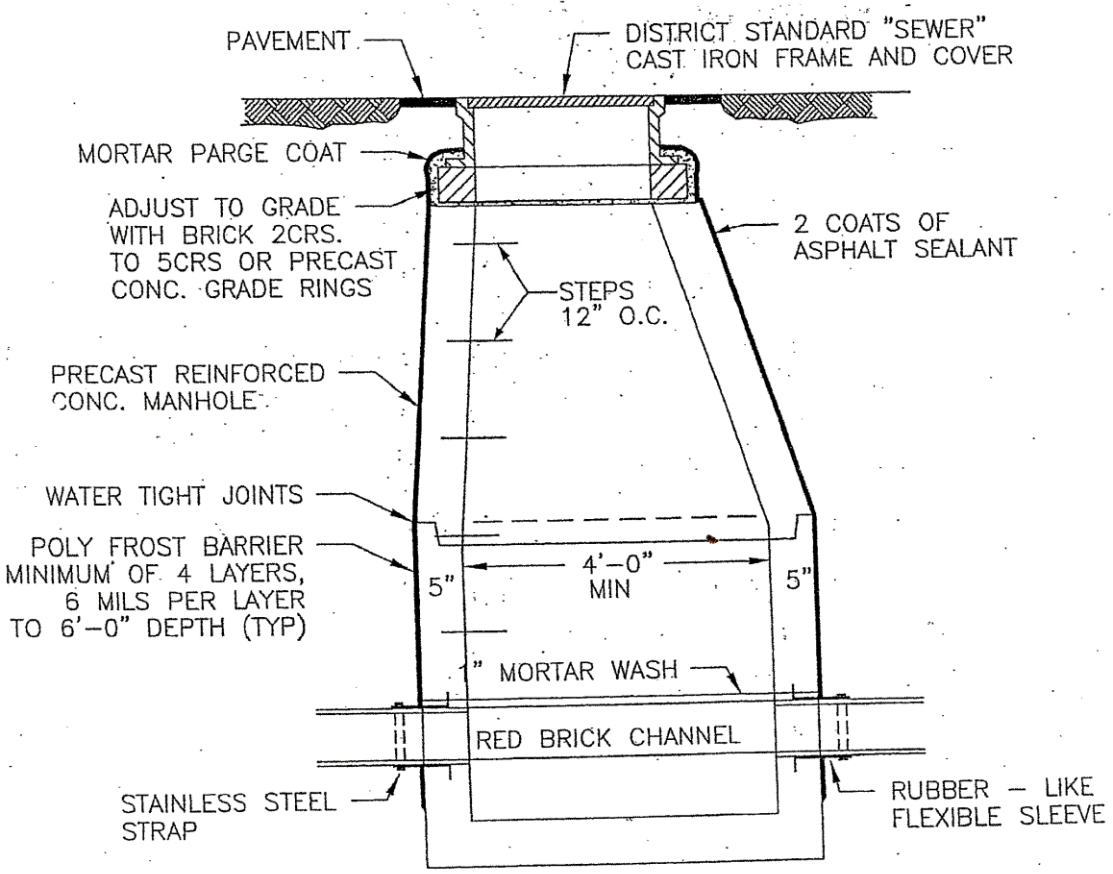
SEWER CONNECTION



CHIMNEYS
NEW SEWER CONNECTIONS
NOT TO SCALE

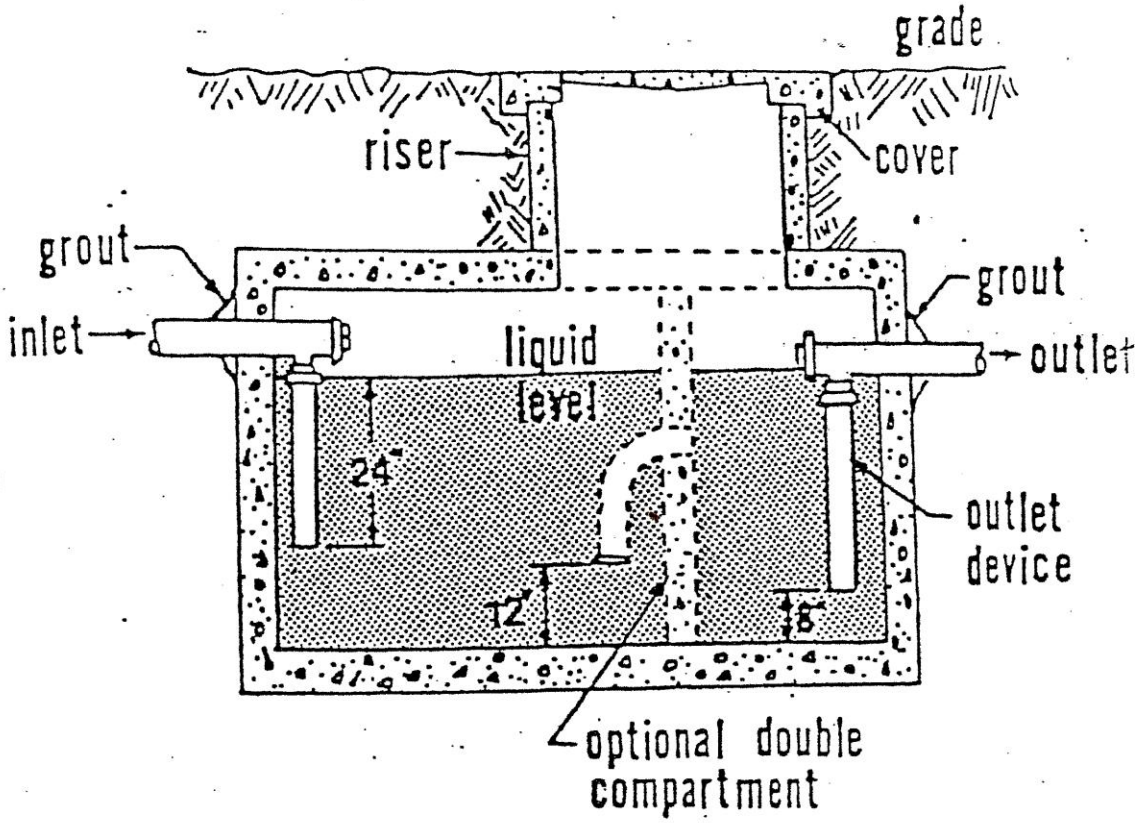
APPENDIX A

STANDARD PRECAST MANHOLE



APPENDIX B

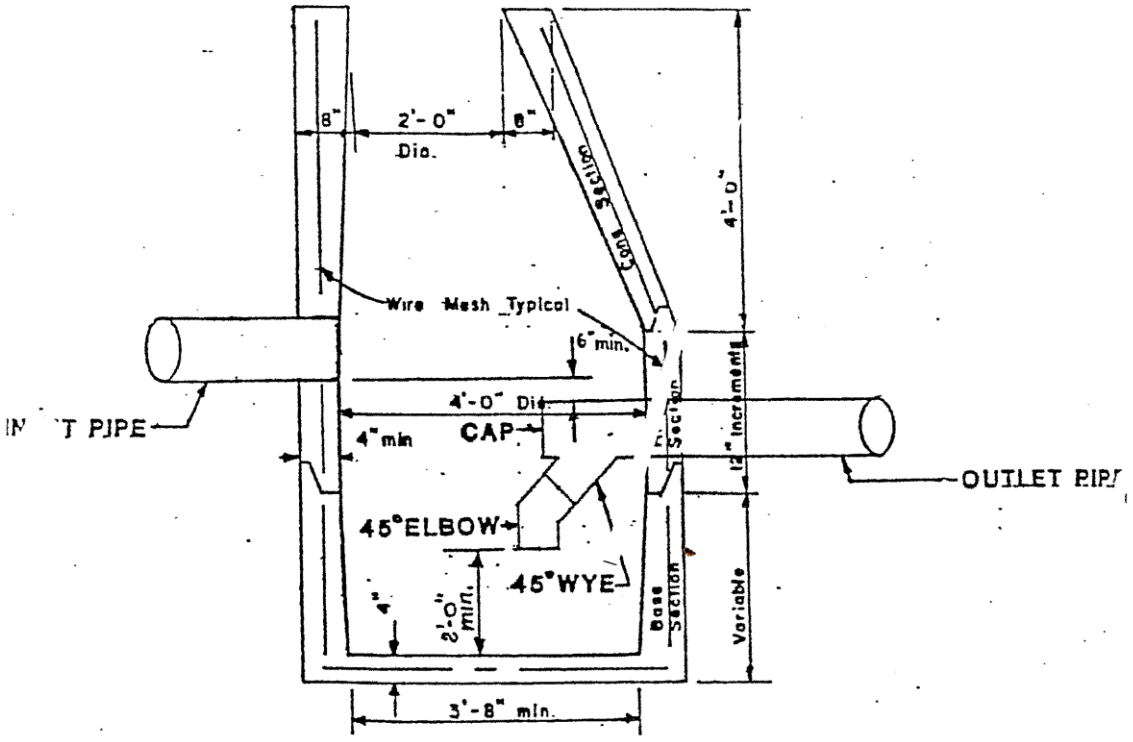
CONSTRUCTION DETAIL



GREASE TRAP SPECIFICATIONS

APPENDIX C

CONSTRUCTION DETAIL



SAND AND OIL TRAP

(STANDARD PRECAST MANHOLE)

APPENDIX D

ARTICLE 4 OPENING PERMIT ORDINANCE

Sec. 3-401 Authority and Purpose

The purpose of this ordinance is to require that all utility construction work that involves the excavation of a public road in Farmingdale shall be performed in conformance with generally accepted road construction standards and pursuant to a permit to be issued by the Town. This ordinance is enacted pursuant to the ordinance authority provided in 30-A M.R.S.A. Section 3001.

Sec. 3-402 Administration

1. Any excavation for any activity by any individual, firm or utility in the Town right-of-way shall require an Opening Permit approved by the Road Commissioner or a designated Agent. The applicant / permittee shall be jointly and severally responsible with the contractor for all work performed under the permit. In case of an emergency involving a public utility, the utility may excavate without a Permit. The utility shall obtain an Opening Permit as soon as possible upon knowledge of an emergency. Emergency excavation means immediate excavation necessary to prevent injury, death or loss of an existing vital service.
2. The application for an Opening Permit shall be made on a standard form available at the Town office. Reference Appendix A of this Article.
3. Opening Permits will not be issued from November 15 to April 15, except in an emergency as defined in paragraph "A" and as determined by the Road Commissioner or a designated Agent.
4. The applicant is responsible for obtaining all other necessary permits, including Dig Safe requirements. The Town of Farmingdale is not a member of Dig Safe and does not receive automatic notification from Dig Safe regarding excavations that have been submitted to the Dig Safe organization. The permittee must contact the Town of Farmingdale of the intended excavation and allow the same amount of time for its entity to mark out the respective utilities outlined in the Dig Safe process.
5. Each excavation within the Town Way shall be done in accordance with the Underground Facility Damage Prevention Requirements of the Public Utilities Commission Chapter 895 and State of Maine 23 MRSA Section 3360-A and shall be conducted in strict compliance with the latest OSHA, Federal, State and Local regulations for excavation
6. Any work performed without a road opening permit, or any other violation of this Ordinance, shall be punishable in accordance with 30-A M.R.S.A. Section 4452 and may be subject to penalties of not less than $100 nor more than $2500 per violation for each day that the violation continues.
7. Violators of this ordinance shall be denied future Opening Permits for a two year period.
8. Opening Permits shall not be issued: for a period of three (3) years for streets that have been improved with a pavement overlay of 5/8 inch or more and for five (5) years for streets of higher order than an overlay, such as: "reclaiming," "full depth base replacement," and "new street." If the applicant can show that the need for an Opening Permit could not have been reasonably anticipated before the street was paved, and has made an effort to consider alternate installation procedures, a Permit may be issued. For any Opening Permit issued within the time frame mentioned above, the Town of Farmingdale may make sufficient charge, over and above the normal

opening charge to offset the cost of additional inspection and/or paving adjacent to the opening.

9. If work is done in the Town of Farmingdale on Saturdays, Sundays and holidays, an increased inspection fee of time and a half of the normal hourly rate will be charged. It is the responsibility of the applicant to assure that personnel are available to perform appropriate inspection activities before scheduling any work during those periods of time.
10. Opening Permits granted pursuant to this ordinance shall expire if substantial construction of the proposed installation is not completed within 12 months of the date of the Permit issuance as determined by the Road Commissioner.

Sec. 3-403 Fee

1. Before a permit may be issued, an administrative fee shall be paid to the Town of Farmingdale as follows: Applicable fees are noted in Appendix 1.
   A. Culvert Installation
   B. Road Cut
   C. Road Cut and Sewer Installation
2. For all excavation and related construction work, a deposit fee shall be paid to the Town of Farmingdale, as follows:
   A. Pavement repair
   B. Curb Replacement
   C. Graveled shoulders
3. If the excavation and related construction work is determined by the Road Commissioner to be satisfactory, an amount equal to fifty (50 %) per cent of the deposit fee shall be refunded to the applicant. If any portion of the work is found to be defective, the applicant shall sacrifice any refund and be given a 48 hour notice to repair the problem. If the corrective work is not completed within that time period, the Town of Farmingdale shall be authorized to complete the work. Should this action be necessary, the Town shall bill the contractor all direct costs plus a double permit fee.

Sec. 3-404 Standards

1. At a minimum, one way traffic shall be maintained at all times, unless otherwise approved by the Road Commissioner for a brief period during normal working hours or approved in extraordinary circumstances. The applicant will be responsible for traffic control: all signs, flag persons and other necessary devices shall conform to the latest edition of the "Manual on Uniform Traffic Control Devices" (MUTCD) published by the Federal Highway Administration. The applicant shall notify the Board of Selectmen, Fire Chief, Chief Constable, Gardiner Public Safety, the local school district and the residents of the street a minimum of four (4) days in advance of the anticipated one-way traffic. If the work cannot be completed in one day, the applicant shall be required to install and maintain barriers and warning devices for the safety of the general public in conformance with the latest edition of MUTCD.
2. All construction work shall comply with the latest Occupational Safety and Health Administration (OSHA) standards.
3. Pavement shall be excavated by saw or blade cutting along all lines.
4. All backfilling of excavated areas shall be under the supervision of the Road Commissioner or a designated Agent.

5. Excavated material may be used as backfill to eighteen (18) inches below the bottom of pavement if approved by the Road Commissioner or a designated Agent.
6. Backfill material shall be uniformly distributed in layers of not more than eight (8) inches and thoroughly compacted by use of approved mechanical compactors before successive layers are placed. All material excavated from trenches shall be piled and maintained in a safe manner so as not to obstruct or endanger workers, pedestrians, or passing vehicles.
7. The remaining eighteen (18) inches of backfill shall be of granular material meeting the specification set forth in Section 3-1 05(3)(B) and shall be compacted every eight (8) inch layer.
8. Saw or blade cutting along all lines shall be required prior to finish paving. All replacement of existing pavement shall be a minimum of three (3) inches thick. A coating of emulsified asphalt shall be applied immediately before paving all joints to the vertical face. Gravel shoulders shall be brought level with the existing grades with coarse gravel or equivalent material. Surfaces outside the pavement line but within the right-of-way shall be filled to existing grade. Lawn surfaces within the right-of-way shall be finished with four (4) inches of loam, raked, seeded and rolled.
9. Surplus material shall be removed from the site and the area shall be left in a clean, presentable condition.
10. Temporary surface shall consist of a minimum of 1 1/2 inches of Hot Mix Asphalt course base placed over gravel in paved areas. When hot bituminous is not available, three (3) inches of cold patch may be used. The temporary surface shall be maintained by the Applicant until hot bituminous material is available to the extent required by the Road Commissioner and shall be replaced at the earliest availability.
11. When a trench is cut into the roadway pavement and completed according to these Standards, after at least fifteen (15) and no longer than forty-five (45) days, the permitted applicant will come back to the cut area and grind the existing pavement down (1 1/2) one and one half inch, two (2) feet from the vertical edge of a cross trench and one (1) foot from the vertical edge of a longitudinal trench. The ground area shall be coated with emulsified asphalt and be repaved with a Hot Mix Asphalt surface course as specified in Chapter 3, Article 1, Section 3-108. All paving shall be completed prior to November 15 date. Reference Appendix A “Typical Trench Repair Detail” of this Article.
12. When multiple patches are required in a distance of seventy-five (75) feet or less the applicant shall be required to grind a minimum of 1.5” inches and overlay the entire area including between the excavations and shall repave as one trench. In cases where the existing pavement is in poor condition the Road Commissioner may modify or waive this requirement.
13. The minimum depth of cover for any utility within the Town right-of-way is thirty six (36) inches.
14. All pits associated with Trenchless Installation Methods shall be located as far from the edge of pavement as possible. Pits shall be located and constructed so as not to compromise public safety or the integrity of the street structure footings. The bottom of all pits shall, at a minimum, be located beyond a line created by a 1: 1.5 slope projected down from the edge of pavement.
15. Installation of any sanitary sewer lines or storm drains shall be performed in accordance with the Town of Farmingdale Code of Ordinances.

Sec. 3-405 Inspection, Guarantee and Insurance

1. Work shall not start without an approved Opening Permit. The applicant shall provide at least three (3) business days of advance notice for the following phases of the work:
   A. Start of work.
   B. Prior to start of backfilling
   C. Prior to start of paving.
2. The determination of the acceptability of the work shall be at the discretion of the Road Commissioner or a designated Agent.
3. The applicant guarantees that all work shall be free from defects in workmanship or materials for six (6) months after completion of the work. If any settlement, cracking, pavement deterioration or other defects occur; the applicant shall promptly repair all defects at no expense to the Town. If the applicant fails to timely repair defects, the Town will cause such repairs to be made with the cost to be billed to the applicant.
4. The applicant shall provide and maintain liability insurance coverage for Liability and Property Damage of $400,000 aggregate.

Sec. 3-406 Severability

If any portion of this Ordinance shall be held by a court to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Sec. 3-407 Ordinance in Force

This Ordinance shall be in full force and effect from and after its passage as provided by State of Maine applicable laws.

Effective: March 28, 2009.
Revised: December 10, 2011
Revised: June 28, 2014

Permit Number_____

Town of Farmingdale Opening Permit Application

I,_____of_____hereby apply
Applicant Firm

For a permit to open_____for the purpose of _____

_____

The work will be done by:_____

Starting date:_____ Completion date:_____

Fee Information:

Excavation Fee:

Surface Type	(A) Unit Cost:	(B) Estimated Area	Fee (A x B)
Paved Surface: treated surface/shoulders	_____$/Sq.Yd.	_____Sq. Yd.	$_____
Gravel Surface: surface/shoulders	_____$/Sq.Yd.	_____Sq.Yd.	$_____
Curb Replacement	_____$/Lin.Ft.	_____Lin.Ft.	$_____
		Total Fee	$_____

Permit Fee: Culvert Installation (Driveway) $_____

Road Cut: $_____

Road Cut and Sewer Installation $_____

Total Cost: $_____

Enclosed is a check in the amount of $_____ payable to the Town of Farmingdale.
I understand that the opening will be re-measured by a Town representative and I agree to pay any subsequent charges on the difference between the estimate and the final accurate measurement. If total cost is less, a refund will be made.

I am familiar with the Opening Permit Ordinance of the Town of Farmingdale Code.

I am aware that Maine State law requires that Dig-Safe be notified for all excavations and additional, all trenching and excavation must follow OSHA standards and all traffic control shall conform to the Manual on Uniform Traffic Control Devises (MUTCD).

Applicant Information: Date:_____

Name:_____Phone:_____ Cell:_____

Address_____
Street Town State Zip

Signed:_____

Permit Number_____

Primary Contact Info: (Write “Same” if primary contact for on-site work be the applicant)

Name:_____ Phone:_____Cell:_____

Address:_____
Street Town State Zip

Permit Granted by: _____ on _____20___.

Road Commissioners Report

Was type of backfill satisfactory? ____ Were temporary surface repairs adequate?_____

Was compaction satisfactory? _____ Were surfaces outside paved area completed?____

Was the deposit fee refunded? _____ Date of refund: _____

Final Approval Date: _____ Signed: _____
Road Commissioner or Agent

Application Sketch Plan

Show location of proposed opening to the street. This plan is not necessarily drawn to scale, however, all reference points, offsets distances and lengths must be accurately indicated.

Right of Way

---------- Edge of Pavement or Gravel Shoulder ----------

Street Name

---------- Edge of Pavement or Gravel Shoulder ----------

Right of Way

Describe: Specific locations as to buildings, monuments and utility poles with building and pole numbers.

ARTICLE 5 SOLID WASTE

Sec. 3-501 Definitions

1. Garbage shall mean all animal and vegetable waste and all decayable matter including waste resulting from the handling, sale, storage, preparation, cooking and consumption of food and food products. For the purpose of this Article, garbage shall not mean or include organic matter contained in properly maintained compose piles or covered subsurface packaged garbage decomposing units so long as no health hazard or other nuisance is created, shall not include leaves, pine needles, grass clippings, tree trimmings or similar plant materials used for fill or mulching purposes, and shall not include agricultural wastes produced by a farm or farm operation conforming with best management practices as defined in 17 M.R.S.A. § 2805.
2. Junk shall mean all rubbish and trash, including discarded, worn out or junked household appliances, furniture, plumbing and heating supplies; discarded scrap and junked lumber and wood products; old or scrap metal of any kind, paper products, bedding, glass, plastic, rags, rope, batteries and other scrapped or junked manufactured items or materials, but excluding garbage.
3. Solid Waste Landfill shall mean a waste disposal facility for the disposal of garbage, junk, or other solid waste, on or in land, except as provided by statute. Terms used in this definition, not defined herein, shall have the same definitions as provided in 38 M.R.S.A. § 1303-C.

Sec. 3-502 Prohibition

1. Storage. It shall be unlawful to store any garbage or junk outside of a closed structure within 300 feet of any dwelling, retail or service establishment, or public road within the Town, unless such garbage or junk is stored in closed rigid containers that provide protection against animals, insects, wind and precipitation, except that:
   A. Garbage may be stored in sealed plastic bags outside a closed structure or container for a period not to exceed ten (10) days, provided that such garbage will be removed from the premises within said period.
   B. Any item of junk that does not fit within a standard container may be stored outside a closed structure or container for a period not to exceed thirty (30) days;
   C. Junk stored within a licensed junkyard or salvage facility may be stored within 300 feet of any structure used solely for the purpose of storing, processing, salvaging, or selling such junk, to the extent permitted by law.
   D. Junk which is to be salvaged or repaired may be stored for a period not to exceed 60 days within 300 feet of a repair establishment.
2. Disposal. It shall be unlawful to operate or maintain a solid waste landfill within 300 feet of any dwelling, commercial or institutional structure, public road or water body within the Town.

Sec. 3-503 Enforcement: Remedies

1. Enforcement. The Code Enforcement Officer shall enforce the provisions of this Article as provided in 30-A M.R.S.A. § 4452.
2. Penalties and Other Remedies. Any person, including but not limited to a landowner, the landowner's agent, or a contractor who violates the provisions of this Article is liable for the civil penalties and remedies set forth in 30-A M.R.S.A. § 4452. The minimum penalty for a specific violation is One Hundred Dollars ($100) and the maximum

penalty is Twenty Five Hundred Dollars ($2500). A specific violation occurs on each day a violation continues to exist after written notice of violation has been sent to the landowner. Civil penalties may be assessed on a per day basis.

Sec. 3-504 Authority: Provisions Supplementary to Statute

This Article is enacted pursuant to 30-A M.R.S.A. § 3001, § 3755(5) and §4452(5) and pursuant to 38 M.R.S.A. § 1310-U. The provisions contained herein are intended to be supplementary to provisions of the Maine Revised Statutes relating to public nuisances (Title 17), health hazards (Title 22), fire hazards (Title 25), junkyards (Title 30-A) and solid waste (Title 38).

ARTICLE 6 UTILITY ACCOMODATION ORDINANCE

Sec. 3-601 Authority and Purpose

The purpose of this ordinance is to require that all installations of underground utilities under the surface or on the surface of a public way in the Town of Farmingdale shall be performed in accordance with generally accepted construction standards and pursuant to a permit to be issued by the Town. This ordinance is enacted under the ordinance authority provided in 30-A.M.R.S.A Section 3001.

Sec. 3-602 Definitions

The following terms used in this policy shall be interpreted as follows:

1. Appurtenance. Any manhole, pull box, junction box, vent, riser, anchor, guy wire, push brace or other incidental component of a Utility system, whether aboveground or belowground, excluding Facilities.
2. APWA Uniform Color Code. Red = Electric; Yellow = Gas-Oil-Steam; Orange= Communication-CATV; Blue = Potable Water; Purple = Reclaimed Water; Green = Sewer; Pink = Temporary Survey Markings; White =Proposed Excavation
3. Backfill. Replacement of soil around and over a Facility or Appurtenance.
4. Clear Zone. A Recovery Area established through consideration of traffic volumes, speed, recoverable and non-recoverable slopes, and roadside geometry and as applied through procedures defined in the Roadside Design Guide published by AASHTO.
5. Cover. Depth of material between the top of a Facility or Appurtenance and the finished grade of the Town Way.
6. Direct Burial. Installing a Facility underground without conduit, duct, sleeve or any type of encasement.
7. Edge of Pavement. (EP) - The outside edge of the paved portion of the Town Ways constructed and surfaced for normal travel, including any surfaced shoulders but excluding sidewalks.
8. Facility. “Facilities” means: A) If under the surface of the Town Way, pipes, cables and conduits; and B) If on the surface of the Town Way, poles, hydrants, cables, wires and any plant or equipment located on or over the surface of the Town Way. [35-A MRSA §2502].
9. General Location. The location along a Town Way to be occupied or crossed by a Proposed Installation. Descriptions of a General Location must include a distance from the center of an appropriate reference point to the beginning or end of the Proposed Installation that will be installed and the relevant Town Way name.
10. Highway. A Public Way including all of the Right-of-Way that may have beenlaid out by the State, county or town. [23 MRSA §2 (2)]
11. Highway Structure. A general term referring to any part of the highway that has been designed and constructed with structural considerations to serve a specific highway purpose. Included under this term are bridges, retaining walls, major drainage structures (not including standard catch basins or culverts), and other similar structures.
12. Municipality. A city or town. [30-A MRSA §2001 (8)]
13. Opening Permit. A permit that authorizes the location of an Utility Facility within the Right-of-Way subjects to limits in accordance with 35-A MRSA Chapter 25.

14. Pavement Overlay. A Town of Farmingdale project with a scope consisting of placing new pavement over an existing paved highway surface without realignment of any part of the centerline or additional widening.
15. Pavement Structure. The portion of the Town Way specifically designed or designated to support vehicular travel including the full width of traveled way, the full width of adjacent shoulders, and the area beyond the edge of shoulder to the limits of subgrade.
16. Proposed Installation. Facilities proposed to be constructed within a Town Way, including future replacements, additions and associated services planned within the next five years and to the extent that they are known by the applicant at the time of application. [17-229 CMR Chapter 205].
17. Public Way. Any road capable of carrying motor vehicles, including, but not limited to, any state highway, municipal road, county road, unincorporated territory road or other road dedicated to the public. [23 MRSA §1903 (11)].
18. Right-of-Way. Real property or interests therein, acquired, dedicated or reserved for the construction, operation and maintenance of a transportation facilityand other related facilities.
19. Specific Location Plan. A plan that indicates the location of facilities and significant appurtenances (such as manholes, vaults, and guys) along a Town Way. The plan shall be drawn to scale to accurately identify the location of a Proposed Installation. Longitudinal distances are provided between control points, bends, manholes, and other similar features. Horizontal offset distances are provided from the centerline of the Town Way, nearest edge of traveled way, nearest edge of shoulder, face of curb, or other well defined, applicable reference. Offsets indicated are to the centerline of underground installations or to the traveled way side of above ground installations. The edge of traveled way, right-of-way lines (assumed or otherwise), and other pertinent highway features shall also be indicated on this plan.
20. Town Way Opening Permit. A permit that authorizes making any underground installation as provided in Chapter 3, Article 4 of the Farmingdale Code of Ordinances.
21. Traffic Control Plan (TCP). A plan, prepared in accordance with the MUTCD, which indicates the type and placement of traffic control devices to be used around and within work areas on Town Ways. These plans are designed and stamped by a Professional Engineer registered in the State of Maine or an American Traffic Safety Services Association (ATSSA) Certified.
22. Worksite Traffic Supervisor. The plan represents actual site conditions and clearly indicates the type, location and number of signs, the use of message or arrow boards, the use of police officers or flaggers, and any other information relating to maintaining the safe and efficient flow of traffic.
23. Trenchless Installation Methods. Any process through which a pipe, casing or other Facility is installed underground without using an open cut. This includes: tunneling, pipe jacking, microtunneling, pipe bursting, directional drilling, auger boring, guided boring, and pipe ramming.
24. Utility. For purposes of this policy, Utility, consists of:
    A. Public Utilities that are regulated by the Maine Public Utilities Commission.
    B. Such other entities authorized to locate their facilities in, upon, along, over, across or under the public ways of this State by Chapter 23 of Title 35-A of the Maine Revised Statutes, if such entities are providing services to the general public or to

regulated Public Utilities.

C. These entities consist of every public or private entity that operates telephones or transmits television signals; that owns, controls, operates or manages any pipeline within or through this State for the transportation as a common carrier for hire of oil, gas, gasoline, petroleum or any other liquids or gases; that makes, generates, sells, distributes and supplies gas or electricity; every water or sewer company, district or system owned or operated by a public or private entity; every municipally owned or operated fire alarm, police alarm or street lighting circuit or system; every cooperative organized under chapter 35 (Title 35-A MRSA)

Sec. 3-603 Permits

1. Town Way Opening Permit

   A. Issuance of an Opening Permit. Refer to Chapter 3, Article 4, Section 3-402. The Farmingdale Board of Selectmen, along with the Road Commissioner, reserves the authority to determine and/or approve the final location of any utility construction in a Town Way. The primary criteria for approval is to determine what may be considered best for the Town of Farmingdale as opposed to other considerations.

   B. Replacement of Facilities that present an immediate hazard or are needed to restore utility service, providing after-the-fact permitting occurs within sixty (60) days when required.

   C. An Opening Permit for excavation in a Town Way shall be obtained by the Applicant from the Road Commissioner prior to starting actual construction. Reference "Opening Permit Ordinance", Chapter 3, Article 4 of Farmingdale Code of Ordinances.

2. Application Process

   This section outlines the application procedure for Opening Permits on all Town Ways.

3. Submission Requirements

   A. Opening Permit. In order to obtain an Opening Permit from the Town of Farmingdale for each Town Way, a Utility or authorized agent must first submit a completed application to Farmingdale Road Commissioner that includes each of the components listed below. A single application may include multiple Facilities of the same type, provided the general and specific location of each Facility is clearly noted on the application.

      1) Completed Application Form(s): An application form is available at the Farmingdale Town Office. Applications shall provide the following information:

         a) Description of the General Location.

         b) Description of the Proposed Installation.

         c) Minimum depth below. Indicate the minimum cover for underground facilities.

         d) Maximum operating pressures. The maximum operating pressure must be stated for pressurized pipelines.

         e) Owner's signature. The owner or operator of the Proposed Installation must sign the application. Any person signing on behalf of the owner or operator must provide evidence of authorization to sign.

f) Construction by Others. If a Proposed Installation is to be constructed by a person or entity other than a Utility, that person or entity shall include a signed letter with the application acknowledging complete responsibility for the Proposed Installation until such time that the Facility is conveyed to the Utility. In no case shall a proposed Installation constructed by others be connected to a Utility system or network prior to such conveyance unless otherwise permitted. Applications submitted in this manner shall be signed by the Utility to indicate their agreement with the location of the proposed Facility and their intent to accept the Facility upon completion of construction. If an Opening Permit is issued, it will include a special condition acknowledging construction by a non-Utility.

2) General Location Map. For each Proposed Installation, the Utility must submit an accurate area map (examples - U.S.G.S. quadrangle or GPS mapping) identifying the General Location of the Proposed Installations.

3) Specific Location Plan(s).The Specific Location Plan shall be as defined in Definitions. A separate Specific Location Plan shall be submitted for each proposed Facility. Specific Location Plans shall be submitted on standard plan 22 inches by 34 inches.

4) Supporting Data. All applications must also contain statements that clearly indicate the following:

a) Whether or not there are any existing Facilities of others which are located within the minimum clearance offset specified in Section 4(1)(J);

b) The name, address and telephone number of a person that will be available to answer questions regarding the application or to review the proposed installation on-site.

5) Special Materials & Roadway Structures. If any part of the proposed installation is to be made on or within twenty-five (25) feet of a roadway structure, the application must be accompanied by plans showing the location, method of construction, clearances and other data pertinent to how the proposed installation may impact those areas.

6) Traffic Control Plan. Any work proposed within the limits of a Town Way

B. Processing. Ten (10) complete copies shall be submitted to Town of Farmingdale at the address provided on the application form. The application will be reviewed with primary consideration of the standards defined within this rule, however, specific site conditions, proposed work in the same general location or other concerns of Town of Farmingdale may also affect permit conditions. Permits will normally be processed within 30 days, however, up to 90 days is permissible. [35-A MRSA § 2503 (19)].

C. Completion Confirmation. The Town of Farmingdale will send the Utility a Completion Confirmation Form along with an approved Opening Permit. Upon completion of installation of a permitted facility, the Utility shall return the completed form to Town of Farmingdale, stating that all work has been completed in accordance with the specified permit. If field modifications were necessary or the scope of the original project was reduced, “as-built” drawings shall be submitted to indicate the changes. If field changes beyond the tolerance specified in Section 2(4) were necessary, the name of the Town of Farmingdale representative and the date of all applicable approvals shall be indicated on the form. All amendments

submitted as described above shall be deemed accepted by the Town of Farmingdale unless the Town of Farmingdale notifies the Utility otherwise within 60 days of receipt.

D. Lapse of Permit. Permits granted pursuant to these rules shall expire if substantial construction of the proposed installation is not commenced within 12 months of the permit date or if construction work is suspended for one or more entire construction seasons.

E. Installation in Conformance with an Opening Permit.

1) As determined by Town of Farmingdale through its application review process, specific permits may include requirements beyond the minimum standards stated within this policy to the extent necessary to protect the traveling public, minimize conflicts or ensure the efficient use of the Town Way corridor.

2) Proposed installations or replacements shall be installed as permitted. If changes beyond the tolerance of the permit become necessary, the Utility shall notify the Road Commissioner or authorized representative and request permission to amend the application or, if a permit has already been issued, request that Town of Farmingdale amend the permit. Unless otherwise specified in the permit, field changes are considered to be within the horizontal tolerance of the permit providing they comply with all of the following:

a) The offset of the modified location of above ground facilities is within ten(10) feet of the permitted location and no closer to the Town Way, or, the offset of the modified location of underground facilities is within three (3) feet of the permitted location;

b) The modified location does not conflict with any existing Facilities, appurtenances, roadway features (i.e. sidewalks, drainage pipes, curb, entrances, etc.), or other proposed installations within the Town Way; and

c) The modified location otherwise complies with all standards defined in this policy.

F. Unauthorized Facilities. Any facility installed within the Town Way limits and not in compliance with the terms of its Opening Permit, 35-A MRSA Chapter 23, 35-A MRSA Chapter 25, or this policy, is considered an Unauthorized Facility. As such, there is no legal right for that Facility to be located or maintained within the Town Way limits unless the location is otherwise authorized by deed or easement. Upon notice from Town of Farmingdale, the entity owning or operating the Unauthorized Facility is fully responsible for correcting any Unauthorized Facility and all appurtenances as directed by Town of Farmingdale, which may include after-the-fact emitting or removal of the Facility and all appurtenances.

Sec. 3-604 Facility Maintenance Obligations

This section outlines the requirements for all Authorized Entities having Facilities that are either permitted, licensed or deemed legal structures within the limits of Town Ways. These requirements are applicable to all new and existing Facilities and Appurtenances.

1. Maintenance of Facilities. Every Utility is responsible for keeping its Facilities and appurtenances sufficiently maintained so as not to degrade the integrity of the Town Way or reduce the overall level of safety. Any deficiencies in a Facility or appurtenance that creates a potential hazard to the Town Way users or maintenance crews shall be promptly corrected upon notice from Town of Farmingdale.

2. Records and Locating Facilities. Every Authorized Entity is responsible for maintaining records regarding the following:
   A. The Town Way in which each Facility is located,
   B. Evidence of all applicable permits, easements, deeds, or other applicable rights for any Facilities and Appurtenances within the limits of the Town Way.
   C. The specific installed location of underground Facilities and appurtenances within the limits of the Town Way.
3. Utilities not having the records specified above shall be responsible for obtaining that information for the Town of Farmingdale to the extent requested by the Town of Farmingdale and reasonably necessary for the Town of Farmingdale activities.
4. Utilities are responsible for marking the location of underground Facilities and appurtenances at the request of the Town of Farmingdale prior to survey or other preliminary engineering or maintenance activities to ensure the location of these Facilities and appurtenances is properly considered.
5. Services. Each Utility is responsible for assuring proper adjustment, relocation or repair of any portion of a Service that is located within the limits of the Town Way and connected to that Utility's distribution system or network.
6. Out-of-Service Facilities. All Facilities and Appurtenances taken out of service and located either above ground or attached to highway structures shall be removed within 60 days of their last use. If a Utility is required to obtain MPUC approval, the Facilities and Appurtenances may be removed within 60 days of said approval, providing the process is initiated within 60 days of their last use. Underground Facilities and appurtenances that are taken out of service may remain in their existing locations providing the Authorized Entity retains full responsibility for the Facility and appurtenances as provided herein. Should a remaining Out-of-Service Facility or appurtenance degrade the Town Way or interfere with its use, construction or maintenance, the Authorized Entity is responsible for either correcting the conflict or removal of the Facility or Appurtenance at the Town of Farmingdale's option.
7. Maintenance of Traffic.
   A. Town Ways. Any work performed by any party within the limits of a Town Way, whether new construction, adjustment, or maintenance operations, shall be conducted in a manner to protect the public. Traffic control methods consistent with the current version of the MUTCD shall be consistently implemented to ensure the safe and expeditious movement of the traveling public [23 CFR 645.209]. The Town of Farmingdale may specify additional requirements in locations having high traffic, poor geometry or other special considerations.
   B. Noncompliance. Should any person fail to comply with the requirements set forth above, the Town of Farmingdale may suspend the work until the noted deficiency is corrected. When the work being performed is within the Town Way limits, the Road Commissioner or authorized representative shall determine when a suspension is warranted.
8. Clearing/Trimming (General). The Utility is responsible for all work associated with any tree clearing and/or trimming required to install and maintain their Facilities and appurtenances.

Sec. 3-605 General Requirements

This section outlines the general requirements for all Facilities and appurtenances within the Town Way limits. Additional standards that are specific to the type of Facility or the type of Right-of-Way are discussed in subsequent chapters.

1. Design. The Utility is fully responsible for the design of any of its Facilities and appurtenances to be installed within the Town Way limits.
   A. National Standards. All Facilities and Appurtenances within the Highway limits must also comply with any applicable National Standards. Where those standards differ from what is stated herein, the higher degree of protection shall prevail.
   B. Public Laws/Orders. Nothing in this rule is intended to interfere with the applicability or enforcement of any laws, rules, orders of the MPUC, or ordinances consistent with this policy. This specifically includes the Americans With Disabilities Act of 1990 [PL 101-336].
   C. Design Life. All permanent Facility and appurtenance installations on, over, or under a Town Way or attached to any Town Way structure shall be of durable materials designed for long service life expectancy with due consideration given to the overall needs of the corridor. Facilities and appurtenances shall be designed to be relatively free from routine servicing and maintenance.
   D. Uniform Alignment. Longitudinal installations shall be designed and installed on as uniform an alignment as possible to minimize potential conflicts and to aid in locating underground Facilities in the future.
   E. Minimize Interference. Wherever possible, Facilities and appurtenances shall be located to minimize the possibility of interference with other Facilities or Town Way work.
   F. Crossings. To the extent feasible and practicable, Facility crossings of a Town Way shall be generally perpendicular to the Town Way alignment. Reference Chapter 3, Article 4, Sec. 3-405, Farmingdale Code of Ordinances.
   G. Cooperation With Other Authorized Entities. Throughout the design and installation of any Facilities and appurtenances within the Town Way limits, Utilities must address the needs of all others.
   H. Utilities with regard to their existing or proposed Installations located in the vicinity of another proposed Installation. This shall include maintaining sufficient offsets from other Facilities and appurtenances and assuring that all other Utilities have reasonable access to their own Facilities and appurtenances during construction. Where Utilities are unable to resolve conflicts in accordance with this policy, the Town of Farmingdale shall make the final determination.
   I. Clearance Between Facilities. The following defines the minimum clearance standards for Facilities within the Town Way limits. Greater clearances are encouraged and may be required whenever possible. Utilities are encouraged to undertake joint construction whenever possible, and the Town of Farmingdale will generally issue an exception to these standards when all affected parties agree to a lesser requirement that is consistent with the applicable National Standard(s).
      1) Horizontal Clearance Between Longitudinal Facilities. Unless specifically permitted otherwise, a three (3) foot minimum horizontal clearance shall be maintained between all underground Facilities and appurtenances. Measurement between underground Facilities and appurtenances shall be taken horizontally from the closest edge of the Facility or appurtenance.

2) Vertical Clearance Between Facilities. Where underground Facilities must cross other Facilities or appurtenances; the angle of such crossing shall be as close to 90 degrees as possible, with a minimum vertical clearance of one (1) foot. Facilities of one Utility shall not be constructed longitudinally over or under another Utility's underground Facility.

2. Preferred Corridors. To obtain consistency and maximize the use of the Town Ways, "preferred corridors" have been specified below for each type of Facility. In the process of establishing plans, Authorized Entities are encouraged to utilize these corridors whenever practical.

3. Type of Facility Preferred Corridor:

Water & Sewer Lines	Under the Traveled Way
Gas Lines	Under the Shoulder
Telephone/Electric Conduit	Under the Shoulder or Sidewalk
Direct-bury Communications	Two (2) feet from Edge of Shoulder

4. General Construction.

A. The Town of Farmingdale is not a member of Dig Safe and does not receive automatic notification from Dig Safe regarding excavations that have been submitted to the Dig Safe organization. The permittee must contact the Town of Farmingdale of the intended excavation and allow the same amount of time for the Town to mark out its respective utility in the Dig Safe process.

B. Proper performance of the work shall include, but not be limited to, the repair or replacement of any public or private owned property damaged while performing the work. Damage may include disturbed lawns, marred pavement from equipment, obvious undermining of remaining pavement, and disturbed remaining pavement due to blasting activities.

C. Depth of Cover. The minimum depth of Cover for any Facility within the right of way limits is thirty six (36) inches. Additional requirements are specified herein for each type of Facility. Any wires, pipes, conduits or cables that are presently located within the Town Way limits at a depth of less than one (1) foot and not specifically permitted to be at that depth, shall be relocated in accordance with this policy.

D. Markers & Detection Aids

1) Warning Tape. Upon installation, all underground Facilities installed by open cut shall include warning tape, of a color consistent with the APWA Uniform Color Code, located roughly eighteen (18) inches directly above and parallel to the entire installation.

2) Signs. All underground utilities crossing the entire Right-of-Way (from one boundary to the other) shall have a readily identifiable marker installed at each Right-of-Way line crossed to indicate the type of Facility, the name of the owner and a telephone number to call. Signs shall be maintained with current, legible information.

3) Pedestals. All pedestals shall have a readily identifiable marker installed on each pedestal to indicate the type of Facility, the name of the owner and a telephone number to call. Markers shall be maintained with current, legible information.

4) Detection Aids. All nonmetallic underground Facilities shall include some metallic component installed directly above, below, or as an integral part of the Facility to aid in the future detection and location of the Facility.

E. Appurtenances. Above ground Appurtenances installed as a part of an underground Facility shall be located within six (6) feet from the edge of shoulder, regardless of whether the surface of the shoulder is paved or unpaved.

F. Methods of Construction.

1) Aggregate Base and Sub-base and Compaction shall conform to MDOT Standard Specifications 304 and 703 respectively. Compaction tests shall be taken at locations along the Facility as specified by the Road Commissioner. All costs associated with the compaction tests shall be paid for by the Facility's owners.

2) When longitudinal facility is in a gravel shoulder, the pavement adjacent to the shoulder shall be inspected by the Road Commissioner or his Agent. If there is any damage to the pavement it will be repaired to the satisfaction of the Road Commissioner or his Agent.. Reference Chapter 3 Article 4-405.

3) Pavement edges shall be trimmed to a vertical face. The width of the trench prior to pavement replacement shall be consistent the entire length of cut. The trimmed edges shall not vary by more than three (3) inches for every ten (10) lineal feet of cut. It is recommended that the final pavement cut be made just prior to paving in order to meet this standard. Emulsified asphalt material shall be applied to all edges of the existing pavement.

4) The surface joint of an asphalt patch for a street excavation that is parallel to the direction of travel shall not fall within the wheel path of a travel lane. In such cases where the existing pavement is in poor condition the Road Commissioner or his Agent may modify or waive this requirement.

5) Feather joints shall not be acceptable for overlays of old patches. Repairs are to be made by grinding to the desired depth and then matching in with new pavement.

6) When an area to be repaved exceeds one hundred (100) square yards, an additional twelve (12) inches of pavement shall be milled at a depth of the required thickness of the surface pavement surrounding the repair area. Resurfacing shall be accomplished using self-propelled paving equipment complying with the latest MDOT specifications. The Road Commissioner or his Agent may require the surface of the new pavement to be infrared treated when completing permanent repairs. The infrared or other approved process if required shall be performed on collectors not less than six (6) months or more than twelve (12) months from the date of resurfacing.

7) When multiple patches are required in a distance of seventy-five (75) feet or less the applicant shall be required to grind a minimum of one and one half (1 ½) inch and overlay the entire area between the excavations and shall repave as one trench.

8) Erosion Control and Restoration of Vegetation. Utilities shall stabilize the soil in all work areas within the Town Way limits to minimize erosion. Restoration of loam, grass or other landscaping vegetation is required following the completion of backfill as soon as weather conditions and/or seasons of the year allow. Temporary mulch shall be used until permanent treatments can be applied.

9) Inspections During Construction. The Road Commissioner or Agent shall make periodic inspections of the Facility in the Town Way during construction to insure that any work activity is in conformance with this Ordinance. All inspections shall be documented in writing. All fees incurred by any inspection performed by the Road Commissioner, qualified Town official, or independent third party designated by the Town, shall be reimbursed to the Town by the Facility owner at a predetermined rate established by the Farmingdale Board of Selectmen. Any "Inspection Fee" due the Town of Farmingdale shall be paid in full prior to acceptance of the work in the Town Way.

10) Trenchless Installation Methods. All pits associated with Trenchless Installation Methods shall be located as far from the ETW as possible, constructed so as not to compromise public safety or the integrity of any Highway Structure. The bottom of the roadway edge of all pits shall, at a minimum, be located beyond a line created by a 1:1 slope projected down from the ETW. The Road Commissioner may require the use of support structures to achieve the proper degree of protection.

11) Blasting. A minimum of twenty-four (24) hours notice must be given to the Farmingdale Town Office prior to any blasting within the Town Way limits. When blasting is to occur within one hundred (100) feet of a Town Way structure, prior approval must specifically be obtained from Town of Farmingdale. The Town of Farmingdale may require that detailed plans and procedures prepared by a licensed blaster be submitted by the Authorized Entity. Pre-blast surveys may also be specified as a work condition.

12) Pavement Cuts. Wherever pavement is to be cut, all edges shall be cut neat and reasonably straight.

13) Backfill/Compaction. Backfill compaction shall equal that of the surrounding soil outside of the Pavement Structure limits. Within the Pavement Structure limits, backfill and compaction requirements shall be in accordance with the latest edition of Maine DOT's Standard Specifications for Highways and Bridges.

14) Final Layer. Care shall be taken to ensure the completed final layer of pavement shall match the surrounding grade, be smooth and continuous and shall not deviate more than one half (½) inch as measured with the use of a straight edge of ten (10) feet in length, and provide an overall smooth ride. Poor workmanship will not be acceptable and may require the work to be re-done.

G. Locations of Installations.

1) Undesirable Locations. Locations in deep cuts, near footings of Bridges or retaining walls, within areas of Special Materials, across intersections at grade, or in areas where it will be difficult to attain minimum cover shall be avoided whenever possible.

2) Clearance from Highway Structures. Vertical and horizontal clearance between any Facility or appurtenance and a Town Way structure shall be sufficient to permit maintenance of both without interference. Clearances shall comply with Section 4(1)(J).

3) Road Side of the Utility Pole Line. Mainline underground Facilities should normally be installed on the Traveled Way side of the pole line.

4) Additional Requirements. The location of any Facilities or appurtenances may be further restricted by the Road Commissioner to insure that a proposed

Facility or Appurtenance will not interfere with existing or currently planned roadway construction and/or maintenance activities.

5) Town Way Drainage Pipes. Town Way drainage pipes and structures shall be protected during any Facility and appurtenance installation and maintenance. Utilization of existing drainage pipes as sleeves is not permitted.

H. Gas, Liquid Petroleum, and Other Hazardous Transmittant Pipelines

1) Cover. Hazardous Transmittant pipelines shall have a minimum cover of thirty six (36) inches.

2) Multiple Lines. In the event that a Utility proposes to install two active Hazardous Transmittant pipelines along the same corridor, the two lines shall be placed one above the other, as reasonably vertical as practicable, considering safe operation and maintenance of the lines. The lower pressure line shall be installed above the higher-pressure line and must meet the minimum cover requirements as specified in Section 5(2)(A).

3) Vents. One or more vents shall be provided for each casing or series of casing. For casing longer than one hundred and fifty (150) feet, vents shall be provided at both ends. On shorter casing a vent shall be located at the high end with a marker placed at the low end. Vents shall be placed at the Right-of-Way line immediately above the pipeline, situated so as not to interfere with Town Way maintenance or be concealed by vegetation. Ownership of the lines and an emergency contact number shall be shown on the vents.

4) Drains. Drains for Hazardous Transmittant pipelines will not be permitted to outfall into drainage ditches, natural watercourses or onto Town Ways.

Sec. 3-606 Exceptions and Appeals.

1. Exceptions. The Road Commissioner, after consultation with the Farmingdale Road Advisory Committee, may authorize an exception to any provision of this rule whenever it determines that an exception will best serve the purpose of the Town Way corridor, or that compliance with the requirement would be unduly burdensome, and granting the exception would not undermine the purpose of this rule. Some considerations that may contribute to such a decision include:

A. Application of the standards presents an exceptional hardship or unreasonable cost under the circumstances;

B. A unique situation exists which could not have been anticipated or considered in the development of this rule;

C. All affected parties, as determined by the Town of Farmingdale, jointly agree to a lesser requirement that is supported by applicable National Standards; or

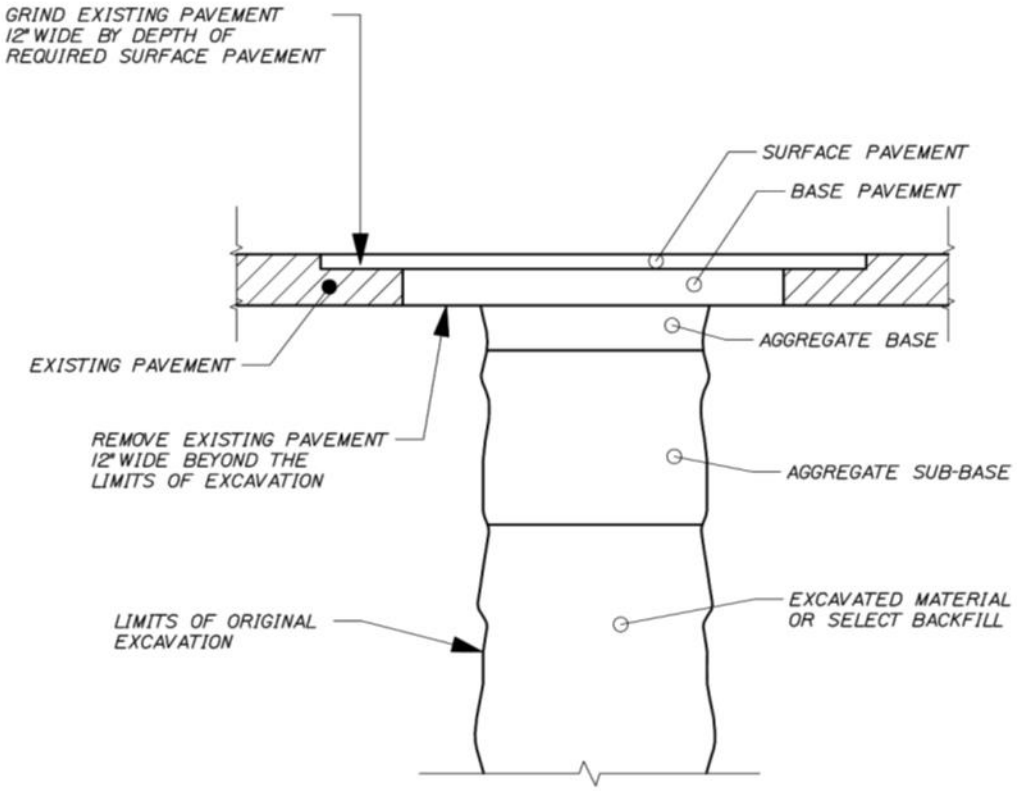
D. The requirements stated herein exceed the limits of the available Town Way corridor.

E. In instances where an applicant initiates a request for an exception, the Town of Farmingdale may require supporting documentation that any other location is extremely difficult and unreasonably costly to the consumer, and that the installation will not adversely affect the design, construction, stability, traffic safety or operation of the highway. Requests for exceptions shall be in writing stating the reasons for the deviation from the policy. This written request must accompany the application for a Location Permit and be transmitted to the Road Commissioner for action.

2. Appeals. The applicant has the right to appeal a negative finding for an exception. All appeals shall be submitted in writing to the Town of Farmingdale Board of Selectmen, detailing the reason for the exception and specifically requesting an appeal to the previous finding. The Town of Farmingdale Board of Selectmen will review the request, and a final decision will be issued in writing.

Effective Date: December 10, 2011
Revised: June 28, 2014

TYPICAL TRENCH REPAIR DETAIL



DEPTH OF MATERIALS PER STREET CLASSIFICATION

	COLLECTOR	MINOR
PAVEMENT	DEPTH	DEPTH
SURFACE	1½"	1¼"
BASE	2½"	1¾"
GRAVEL	DEPTH	DEPTH
BASE	3"	3"
SUBBASE	21"	15"

NOTES:
SURFACE PAVEMENT SHALL MEET MDOT 9.5mm HMA
BASE PAVEMENT SHALL MEET MDOT 19.0mm HMA
GRAVEL BASE SHALL MEET MDOT TYPE 'A' GRAVEL
SUBBASE GRAVEL SHALL MEET MDOT TYPE 'D' GRAVEL

APPENDIX A

ARTICLE 7 TOWN CEMETERIES

Sec. 3-701 Town Cemeteries

The burial grounds owned by the Town of Farmingdale known as the Maine Avenue Cemetery, the Northern Avenue Cemetery, and the Carter Cemetery shall be managed by the Board of Selectmen.

Sec. 3-702 Maintenance and Use

The Board of Selectmen shall adopt rules to establish procedures for the maintenance and use of the Town Cemeteries, to include the laying out and numbering of lots, the sale and conveyance of lots, the fees to be paid for lots and perpetual care, the opening and closing of graves, the erection of monuments, fences, and structures, the planting of trees and shrubs, the marking of grave sites, and the qualification of persons with respect to the purchase or use of lots subject to the provisions of Section 3-804.

Sec. 3-703 Appointment of Superintendent

The Board of Selectmen may appoint a superintendent to oversee the care and maintenance of the Town Cemeteries and to otherwise assist the Board in the management of the use of the Town Cemeteries.

Sec. 3-704 Sale and Occupancy of Cemetery Lots

1. No cemetery lot may be used for any purpose other than as a place of burial for the dead. The right to occupy any cemetery lot shall be granted only:
   A. To a person who has been a legal resident of the Town for at least two years prior to the date of purchase,
   B. To the estate of a person who is a legal resident of the Town on the date of death, or
   C. To the estate of a person who is a legal resident of the Town for a majority of that person's life or twenty years, whichever is less, at any time prior to death.
2. No lot may be occupied by anyone except the person who purchased the lot or that person's heirs at law who are lineal descendants. No person may hold rights in more than 12 occupied or partially occupied cemetery lots at any one time. A cemetery lot may be sold, given, or transferred to another, only with the written consent of the Board of Selectmen, and only to a person who is qualified to purchase a cemetery lot under the terms of this Section. No person, who has been granted a cemetery lot, may allow the use of such lot for the burial of a person who is not qualified to purchase a lot under this Section.
3. The grant of any rights in a cemetery lot by the Town is expressly conditioned on compliance with this Section. A violation of this Section or any rules adopted pursuant to Section 3-802 is a civil violation subject to the provisions of Section 1-109. The Town may repurchase any unused cemetery lot subject to available funds for the original price paid.
4. The Town Clerk shall keep a record listing all lots denoted on the plans of said Cemeteries by section and number indicating for each the name of the purchaser, if any, and the price and date of sale. No cemetery lot may contain more than three graves.

Sec. 3-705 Cemetery Funds

The Town Treasurer shall receive all moneys relating to fees for lots, perpetual care, and other sums paid relating to use of the Town Cemeteries. No cemetery lot may be

sold without payment for perpetual care. All moneys paid for the purpose of perpetual care shall be placed in a segregated trust account, and only the income may be used for the maintenance and improvement of the Town Cemeteries. The principal of the trust may be invested in the same manner as other municipal funds. All other moneys received by the Treasurer for cemetery purposes shall be maintained in a segregated non-lapsing account and used exclusively for the maintenance, care, improvement and enlargement of the Town Cemeteries.

Sec. 3-706 Fees

Reference Appendix 1 to review the established fee schedule.

Revised: June 28, 2014

Chapter 4 Land Use Control

ARTICLE 1 GENERAL PROVISIONS

Sec. 4-101 Building Permit Required

A. New Construction or Reconstruction. No person shall place, erect, construct, or reconstruct any structure valued over $3,000 or make improvements valued over $3,000 on a structure without first obtaining a building permit from the Town Code Enforcement Officer. This includes any new building or complete reconstruction of an existing structure.

B. Improvements or Replacements. Any person who seeks to replace part of an existing structure with like materials does not need to obtain a building permit from the Town Code Enforcement Officer. Examples of replacements covered under this section include, but are not limited to, roofing with same material, siding with same material, or windows or doors of the same dimensions.

C. Paving of Residential Driveways. The paving of a driveway for a residential dwelling shall require a building permit, but the permittee shall only pay the base fee and be exempt from any square footage related fees.

Sec. 4-102 Building Permit Application

Applications for building permits may be obtained from the Town Clerk and submitted to the Town Clerk when completed. The appropriate fee shall be determined by the Code Enforcement Officer and shall be payable to the Town at the time the permit is issued.

No building permit application shall be approved until the applicant provides the Code Enforcement Officer with a written statement from the Town Tax Collector that there are no delinquent taxes or sewer fees owed on the property for which the application is made, or provides a written statement from the Town Tax Collector that the owner of the property has entered into a payment plan approved by the Selectmen to pay off any delinquent taxes or sewer fees owed on such property and the owner is in compliance with said payment plan.

The Code Enforcement Officer may grant a building permit application without satisfaction of delinquent taxes and/or sewer fees if he determines that an emergency exists affecting the health or safety of the owners or occupants of the property for which the building permit is sought.

Sec. 4-103 Approval of Building Permit Application

A completed application for a building permit shall be immediately referred to the Code Enforcement Officer, who shall examine the application to determine whether the proposed construction, placement, alteration or use is in compliance with this Chapter. No building permit shall be issued until after the approval of the completed application.

A building permit shall not be issued or valid unless the applicant has complied with all applicable provisions of this Chapter and the applicant has obtained the permits required under this Chapter. If a variance is required under this Chapter, it shall be obtained before any permit required under this Chapter may be approved.

Sec. 4-104 Occupancy Permit Required

25 M.R.S. Section 2351-A to Section 2357-A authorize the necessity and procedures associated with the requirement to utilize an Occupancy Permit. In every town and city of more than 2,000 inhabitants the municipal officers shall annually in the month of April appoint a building official. In Farmingdale the building official is the designated Code Enforcement Officer (CEO). The CEO in the performance of his official duties may enter any building for the purpose of making the inspection required. The inspector shall inspect all buildings while in the process of being repaired or during the process of being construction to see that all reasonable safeguards are used against the catching and spreading of fire and that the chimneys and flues are made safe.

Subject to and notwithstanding the provisions of Title 10, chapter 951, a new building may not be occupied until the inspector of buildings has given a certificate that the same has been built in accordance with section 25 M.R.S. Section 2353-A, and so as to be safe from fire. If the owner permits it to be so occupied without such certificate, the owner must be penalized in accordance with 30-A M.R.S. section 4452.

Sec. 4-105 Fee

1. All applications for permits required under this Chapter shall be submitted with a non-refundable fee established in according to the following schedule: Appendix 1 “Fee Schedule”. Any work initiated without first obtaining the appropriate permit and/or paying the established permit fee shall pay a double permit fee. Activities included under this Article include, but are not limited to,
   A. Building permit
   B. Floodplain review
   C. Mobile Home Park
   D. Home Occupancy including Mobile or Manufactured homes
2. Code Enforcement Account. All fees, fines and other revenues received by the Town under this Article shall be transferred to the code enforcement account. The Municipal Officers are authorized to pay compensation and expenses of the Code Enforcement Officer from this account.

Sec. 4-106 Permit Duration

A building permit shall not be valid more than 24 months after date of issuance, but may be renewed within 45 days prior to expiration without cost, provided substantial construction of the structure has occurred prior to expiration of the last issued building permit or renewal thereof.

Sec. 4-107 Penalties

It shall be unlawful for any person to conduct any activity in violation of Chapter 4 of the Farmingdale Code. A violation of any provision of Chapter 4 shall be punishable as a civil violation. It shall be considered a separate violation for each day on which a violation occurs or is permitted to continue. The penalty for each violation shall be not less than $100 and as provided by statute. [30-A M.R.S.Section 4452.]

Effective March 28, 2009
Revised: June 28, 2014
Revised: July, 2025
Revised June 18, 2026 Town Meeting

TOWN OF FARMINGDALE

OCCUPANCY PERMIT

TO:_____

STRUCTURE:_____

_____

_____

DATE:_____

PERMIT #:_____

Pursuant to MRSA 25 Section 2351-A and any other applicable state law and/or Town ordinances, this occupancy inspection, made by the Farmingdale Code Enforcement Officer or authorized agent, hereby confirms no violations were observed of the applicable state statutes or Town ordinances and therefore is authorized to issue an Occupancy Permit for the noted specific structure..

Location of Building:_____

Map #:_____. Lot #::_____.

Attachment to Permit:

Required correction for issue of an Occupancy Permit: _____

_____

_____

_____
Code Enforcement Officer

APPENDIX A

ARTICLE 2 DEFINITIONS

Sec. 4-201 Definitions of Words and Phrases

The following words and phrases when used in this Chapter shall for the purpose of this Chapter have the meaning respectively ascribed to them in the Article.

1. Abutter. One whose land touches along the border or with or projecting part of the land which is the subject of an application.
2. Accessory Dwelling Unit (ADU). A self-contained dwelling unit located within, attached to, or detached from a single-family dwelling unit located on the same parcel of land. An Accessory Dwelling Unit shall be subordinate to the principal dwelling unit on the lot. An accessory dwelling unit must be a minimum of 190 square feet unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S.Section 9722, as may be amended, adopts a different minimum standard; if so, that standard applies. An accessory dwelling unit can be no greater than 900 square feet, total. An ADU cannot exceed the size in square feet of the principal dwelling on the lot.
3. Accessory Use, Building or Structure. Accessory uses, buildings, or structures are a use that is found on the same lot as the principal use and is subordinate and incidental to the principal use of the land.
4. Attached. Connected by a shared wall to the principal structure or having physically connected spaces.
5. Back lot. A lot that does not have adequate frontage on a public or private road or right of way, as required by this Ordinance. See Chapter 4, Article 6, Section 4-601 for details.
6. Base Density. The maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements.
7. Building. Any structure which is constructed or erected, or positioned, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for housing, storing, or enclosing persons, animals, or personal property or conducting business activities or other uses. When any portion thereof is completely separated from every other part thereof by division of walls from the ground up, and without enclosed passageways or openings, each portion of such building is deemed a separate building. The definition includes mobile homes, pre-manufactured or pre-cut structures, movable storage units, freight containers, and semi-trailers positioned or installed on property and serving in the function of a building. All buildings require a building permit be issued pursuant to the Building Permit Ordinance. On demand generators are not included in this definition.
8. Building Permit. See Chapter 4, Article 1, Section 4-101 and 4-102 for details.
9. Centrally Managed Water System. A water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water. This water system may be privately owned.
10. Change of Use. Any alteration to the use of a structure or parcel for which it has not been used within the previous 12 months.
11. Comparable Sewer System. Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules.

12. Comprehensive Plan. A document consistent with 30-A M.R.S. Section 4326(1)-(4), including the strategies for an implementation program which are consistent with the goals and guidelines established pursuant to Title 30-A Chapter 187 Subchapter II.
13. Designated Growth Area. An area that is designated in a municipality's comprehensive plan, pursuant to Title 30-A M.R.S. Section 4326, as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed.
14. Dimensional Requirements. Numerical standards relating to spatial relationships including, but not limited to, setback, lot area, shore frontage, road frontage, lot depth and height.
15. Dwelling Unit. Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, accessory dwelling units, condominiums, time-share units, and apartments.

    A. Single-Family Dwelling Unit. A structure containing one (1) dwelling unit.

    B. Dwelling - Duplex. A single structure containing only two (2) dwelling units.

    C, Dwelling - Multi-Family. A single structure containing three (3) or more dwelling units.

    D. Dwelling – Triplex. A single structure containing three (3) dwelling units.

    E. Dwelling – Multi-Family Designated for the Elderly. A structure containing three (3) or more dwelling units designed and designated for residents who are fifty-five (55) years of age or older. In accordance with the Fair Housing Act, 42 U.S.C. §1301 et seq., and in compliance with exemption for Housing for Older Persons, at least 80% of the dwelling units shall be owned or occupied by at least one person of 55 years of age or older.
16. Excavation. Any removal of earth of earth material from its original location.
17. Existing Dwelling Unit. A residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot.
18. Filling. Depositing or dumping any matter on or into the ground or water.

19. Gross Floor Area. The sum of the gross area of the several floors of a building or buildings (including accessory buildings) measured from the exterior faces or exterior walls, and specifically includes stairwells and elevator shafts, interior balconies and mezzanines, finished basements and basements used for dwelling or commercial purposes, attic space with structural head room of 7-1/2 feet or more, and any other floor space not specifically excluded. Gross floor area does not include, uncovered steps, space used for mechanical equipment, attic space with less than 7-1/2 feet of structural headroom, unfinished cellars not used for commercial purposes or as part of the living area of a dwelling.

20. Housing. Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multi-family housing, accessory dwelling unit, condominiums, time-share units, and apartments. For purposes of this Ordinance, this does not include dormitories, boarding houses, or other similar types of housing units. This also does not include transient housing or short-term rentals unless these uses are otherwise allowed in this Ordinance, as these uses are considered commercial uses.

21. Lot. A single parcel of developed or undeveloped land.

    A. Lot Frontage. The front of a lot shall be the boundary of a lot along a public street.

    B. Front Lot Line. The property boundary line that runs common with and adjacent to, any street frontage or right-of-way separating such lot from such street; in the case of a double frontage lot or a corner lot, the owner may choose which street the lot fronts, with preference given to that street that provides direct vehicular access to the lot.

    C. Rear Lot Line. The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

    D. Side Lot Line. Any lot line other than the front lot line or rear lot line.

    E. Lot of Record. A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the Kennebec County Register of Deeds.

22. Mobile Home. A structure, transportable in one or more sections which is 8 body feet or more in width and is 32 body feet or more in length; and which is built on a permanent chassis and designed to be used as a dwelling or for commercial purposes, with or without a permanent foundation, when connected to the required utilities.

23. Municipality. A city or a town, excluding all unorganized and deorganized townships, plantations, and towns that have delegated administration of land use controls to the Maine Land Use Planning Commission pursuant to 12 M.R.S.Section 682(1).

24. Occupancy Permit. Reference Section 4-104

25. Parking Area - Private. An open area designed or used for the parking of vehicles, but not for use by the general public.

26. Parking - Public. An open area, other than street, used for the temporary parking of three or more automobiles and available for public use whether free, for compensation, or as an accommodation for clients or customers.
27. Permanent Easement. A legal right held by the owner of a lot and evidenced by a recorded deed, permitting unrestricted travel by motor vehicle over land of another, and which provides all season access to the lot from a public road, and which is not less than 30 feet in width.
28. Planning Board. The Planning Board of the Town of Farmingdale.
29. Potable. Safe for drinking as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table and Maine's interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 Chapter 82, Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants.
30. Premises. One or more lots which are in the same ownership and are contiguous or separated only by a water body, including all buildings, structures, and improvements.
31. Principal Structure. Also known as the Primary Structure. A structure in which the main or primary use of the structure is conducted.
32. Public Road. A road accepted and maintained by the Town or State.
33. Reconstructed. A change in the size of footprint, height or use of a structure.
34. Residential Use. Buildings, structures, land, or portions thereof, used, designed, or intended for use as a home or residence for one or more individuals. Residential uses may include single-family (principal and ADUs), duplex, triplex, quadplex, and other multifamily housing; condominiums; time-share units; and apartments. For purposes of this Ordinance the following uses are **not** included under this definition: (1) Dormitories; (2) Congregate living facilities; (3) Campgrounds, campsites, hotels, motels, beds and breakfasts, or other types of lodging accommodations; and (4) Transient housing or short-term rentals. The abovementioned uses are considered commercial uses.
35. Restrictive Covenant. A provision in a deed, or other covenant conveying real property, restricting the use of the land.
36. Retail or Service Establishment. A business establishment engaged in the sale, rental, or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.
37. Road. A route or track consisting of a bed of exposed mineral soil, ground, asphalt, or other surfacing material constructed for or by the repeated passage of motorized vehicles.
38. Setback Requirements. The minimum horizontal distance from a lot line, shoreline, or road to the nearest part of a structure, or other regulated object or area as defined in this Ordinance.

39. Shoreland Zone. The land area located within two hundred and fifty (250) feet, horizontal distance of the normal high-water line of any great pond, river, stream, or saltwater body, within two hundred and fifty (250 feet of upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet of the normal high-water line of a stream.

40. Stairs. A structure consisting of side supports, and at least 3 risers and treads, and the necessary landings and platforms, which provides a continuous and uninterrupted passage from one floor to another.

41. Steps. A structure on the exterior of a building consisting of side supports, risers and treads, which provides access to the first floor or basement of a building.

42. Structure. Anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind or anything constructed or erected on or in the ground as defined in 38 M.R.S. Section 436-A(12). The term includes structures temporarily or permanently located, such as decks, patios, steps, landings, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; on-demand generators; subsurface waste water disposal systems as defined in 30-A M.R.S. Section 4201(5); geothermal heat exchange wells as defined in 32 M.R.S. Section 4700-E(3-C); or wells or water wells as defined in 32 M.R.S. Section 4700-E(8).

43. Tiny Homes. Tiny Homes as defined in in 29 M.R.S. Section 101 (80-C) and regulated under 30-A M.R.S.Section 4363, means a living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:

    1. Complies with American National Standards Institute Standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standards 1192 on plumbing, propane and fire and life safety for recreational vehicles;
    2. Does not exceed 400 square feet in size;
    3. Does not exceed any dimension allowed for operation on a public way; and,
    4. Is a vehicle without motive power.
    5. "Tiny home" does not include a trailer, semi-trailer, camp trailer, recreational vehicle, or manufactured housing.

44. Swimming Pool. A structure which is two or more feet in height which may retain water.

45. Use. The purpose for which land or a structure thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

46. Water Body. Any naturally occurring water on the surface of the land, including without limitations, ponds, lakes, streams, rivers, brooks, marshes and swamps.

47. Yard. An open space on the same lot with a principal structure, unoccupied and non-obstructed from the ground upward except for natural vegetation or as provided by this Ordinance.

48. Yard-Front. The yard between the building and the lot line abutting a public road, permanent easement or water-body.
49. Yard-Side. The yard between the building and any part of the lot line not abutting a public road, permanent easement, or water-body.

Revised November 20, 2010
Revised: June 28, 2014
Revised July, 2025

ARTICLE 3 SANITATION

Sec. 4-301 Plumbing Code

All plumbing and wastewater disposal shall be in strict conformance with the State of Maine law and the State Plumbing Code. A plumbing permit must be obtained from the Local Plumbing Inspector (LPI) before any internal plumbing is commenced. A Subsurface Waste Water Disposal Permit must be obtained from the Local Plumbing Inspector (LPI) before any work related to a disposal system in commenced. Work initiated prior to obtaining an appropriate permit shall be subject to a double permit fee. Reference Appendix 1 “Fee Schedule” for applicable fees.

Sec. 4-302 Farmingdale Sewer System

A completed Sewer Application Form shall be submitted to the Farmingdale Sewer Inspector prior to initiating any work on, or connecting to the Farmingdale Sewer System. Work initiated prior to obtaining an appropriate permit shall be subject to a double permit fee. Reference Appendix 1 “Fee Schedule” for applicable fees.

(Reserved)

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ARTICLE 4 SAFETY CODES

Sec. 4-501 National Electrical Code

All wiring installation in any building under this Chapter must conform to the provisions of the National Electrical Code, published by the National Fire Protection Association.

ARTICLE 5 BUILDING LOTS

Sec. 4-601 Minimum Lot Size, Frontage and Setback Requirements

50. Lots shall meet or exceed the following minimum requirements:

A. Lot Size. No building shall be constructed or placed on a lot with an area of less than ¾ acre (32,670 square feet) in size. Any one structure or building that contains more than one principal dwelling unit (excluding Accessory Dwelling Units, which are accessory to the primary residential structure on the property) shall require an additional 10,000 square feet of lot area per dwelling unit, except any building designed for Elderly Multi-Family Dwelling Units as defined in Section 4-201 of this ordinance shall only require an additional 5,000 square feet of lot area per dwelling unit.

B. Road Frontage. A lot abutting a public or private road or right-of-way shall have a minimum road frontage of 150 feet. A front yard abutting the shore line of a lake, pond, river, stream or tidal water shall have a minimum depth of 100 feet from the normal high water elevation. The depth of any yard abutting a public or private road or right-of-way or any water body shall conform to the front yard requirements.

C. Front Setback from Road. A front yard abutting a public or private road or right-of-way shall have a minimum depth of 30 feet from the right-of-way line or, where the right-of-way line is indiscernible, 50 feet from the center line of the traveled way (see diagram in Appendix A).

D. Rear and Side Yard Setback. The minimum width of each side yard and rear shall be 20 feet (see diagram in Appendix A).

E. Exceptions. A small, accessory structure no greater than eighty square feet in area, and no more than twenty feet in height measured from ground level to roof peak, is permitted up to ten feet from the side yard or rear yard property lines.

51. Back Lots. The purpose of this Ordinance is to protect the health, safety and general welfare of the residents of Farmingdale by providing for the improvement of back lots with acceptable rights-of-way and emergency access provisions. This Ordinance shall apply to all back lots as defined. No back lot may be developed which fails to meet the requirements of this Ordinance, in addition to the requirements of other Town ordinances. This Ordinance is intended to allow for the development of lots which cannot otherwise meet the minimum road frontage requirements of the Town of Farmingdale. New subdivisions proposed in the Town of Farmingdale may not utilize this Ordinance provision to create new lots of record that do not meet the minimum road frontage standard of 150 feet per lot.

52. Back lots may be built on although they lack adequate road frontage provided that the residential development of the lot is accessible from a fifty (50) foot right-of-way or a fifty (50) foot wide privately owned strip of land.

For the development of one residential structure on a back lot, the traveled portion of the roadway or driveway shall be at least 12 feet wide. In the event additional dwelling units or lots are proposed, the entire traveled way shall be a minimum of 20 feet wide and shall meet the minimum road design standards in Section 3-105 of the Town Ordinance with the exception of paving.

If a back lot is developed or divided for more than one dwelling unit, there shall be a turn-around area adequate for the turning of emergency vehicles pursuant to the Dead End Street provisions in Chapter 3 of the Town Ordinance.

53. A legal description of the privately owned road or right-of-way shall be attached to any building permit application for construction of a single-family dwelling or additional dwelling units on one lot, permitted on the back lot. The privately owned road or right-of-way deed must be recorded in the Registry of Deeds (1) at either the time the back lot is first deeded out or created as a separate parcel, or (2) at the time any building permit is applied for.

54. Where the privately owned road or right-of-way is conveyed by recorded easement or some recorded grant less than fee simple interest, the land over which such servitude is placed may be counted in calculating road frontage requirements for the front lot.

Sec. 4-602 Title and Lots

For the purpose of this Ordinance, all continuous parcels of land, for the record title to which is identical, shall be considered a single lot regardless of when or how title was acquired. No person shall convey title to any portion of a lot if such conveyance will cause an existing building, on the conveyed or retained parcel to be in non-conformance with the minimum requirements of this Ordinance if it were reconstructed.

Sec. 4-603 Principal Structures on One Lot

1. Water/Wastewater. The property owner of record must provide written verification that the proposed unit(s) [additional housing unit on one lot] is connected to adequate water and wastewater services prior to the issuance of a certification of occupancy. Written verification must include the following:

   A. If connected to the City of Gardiner sewer system, or equivalent centralized system, proof of adequate capacity to accommodate the added wastewater created by an additional unit and proof of payment for the connection to the sewer system;

   B. If connected to a septic system, proof of adequate sewage disposal capacity for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. Section 4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 CMR Ch.241, State of Maine Subsurface Wastewater Disposal Rules, as amended;

   C. If connected to Gardiner Water District water system, or equivalent centralized system, proof of adequate capacity to accommodate the added demand created by an additional unit, and proof of payment for the connection;

   D. If proposed to be connected to a well, the applicant must include proof that the water supply is potable (as defined), acceptable for domestic use, and can accommodate anticipated demand.

2. All dwelling units on a single lot, developed under this section must comply with Section 4-603. 1. Water and Wastewater above and minimum lot dimensional requirements per dwelling unit (see applicable sections of Chapter 4- Land Use Controls) detailed in this Ordinance. ADU's are not subject to this Section 4-603.

3. No additional road frontage is required for additional principal dwelling units on one lot. However, if the lot is ever divided and the dwellings sold on separate lots, dimensional requirements in Section 4-601 Minimum Lot Size, Frontage, and Setback Requirements, must be met. See Section 4-601- Back Lots for further information.
4. This Section shall not be construed to exempt a property owner from the applicable provisions of the State subdivision statute, 30-A M.R.S. Sections 4401-4408, or Chapter 4, Article 8 of this Code relating to division of a tract or parcel of land.
5. If a dwelling unit is in existence after January 1, 2024, and is torn down after that date, that lot will be treated as a vacant lot.

Sec. 4-604 Accessory Dwelling Units

For the purposes of this Ordinance, Accessory Dwelling Units and Accessory Apartments will be referred to as ADUs. These standards apply to Accessory Dwelling Units for which a permit is sought after the adoption date of this Ordinance.

1. Water/Wastewater. The property owner of record must provide written verification that the proposed Accessory Dwelling Unit(s) is (are) connected to adequate water and wastewater services prior to the issuance of a certification for occupancy. Written verification must include the following:
   A. If connected to the City of Gardiner sewer system, or equivalent centralized system, proof of adequate capacity to accommodate the added wastewater created by an additional unit and proof of payment for the connection to the sewer system;
   B. If connected to a septic system, proof of adequate sewage disposal capacity for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. Section 4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 CMR Ch.241, State of Maine Subsurface Wastewater Disposal Rules, as amended;
   C. If connected to Gardiner Water District water system, or equivalent centralized system, proof of adequate capacity to accommodate the added demand created by an additional unit, and proof of payment for the connection;
   D. If proposed to be connected to a well, the applicant must include proof that the water supply is potable (as defined), acceptable for domestic use, and can accommodate anticipated demand.
2. Any lot where a single-family dwelling is the principal structure may establish two ADUs.
   A. No extra lot area is required for the development of the first ADU on the property;
   B. The development of a second, detached ADU on a single property requires an additional 5,000 square feet of land area. If the second ADU is within or attached to an existing building, no additional lot area is required.
3. All ADUs must comply with property line setback requirements set forth in this Ordinance.

4. The lot owner of record must reside in either the primary dwelling unit or the ADU. The lot owner shall submit a signed written statement stating in which dwelling unit they will reside and submit the statement with the application materials.
5. An ADU is allowed on a non-conforming lot or in a non-conforming structure if the ADU does not further increase the non-conformity, meaning the ADU does not further increase deviation from the dimensional standard(s), such as setbacks, creating the non-conformity, pursuant to Sec. 4-601 Minimum Lot Size, Frontage and Setback Requirements of this Ordinance.
6. ADUs do not count towards the total number of dwellings pursuant to the Subdivision Ordinance.
7. An ADU may be constructed:
   A. Within an existing dwelling unit on the lot;
   B. Attached to a single-family dwelling unit;
   C. As a new structure on the lot for the primary purpose of creating an ADU; or,
   D. Within an existing accessory structure if the setback requirements of this Ordinance are met.
8. The ADU must be at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. Section 9722, as may be amended, adopts a different minimum standard; if so, that standard applies.
9. The ADU may not be greater in size (square feet) than the principal dwelling unit on the lot, nor shall it exceed 900 square feet in total size.
10. There are no additional parking requirements for an ADU beyond those required for the single-family dwelling.
11. If an Accessory Dwelling Unit is constructed without first obtaining a Building Permit, an After-the-Fact Building Permit may be issued if the ADU otherwise meets the requirements set forth in this Ordinance, provided proper documentation has been submitted to the CEO. A penalty of twice the cost of the Building Permit application fee will be levied against the owner of the property for not obtaining a Building Permit prior to construction.

Sec. 4-605 Nonconforming Uses. Structures, and Lots.

The use of land, building or structure lawful at the time of adoption or subsequent amendment of this ordinance may continue, although such use does not conform to the provisions of this Ordinance. Nonconforming structures, lots and uses may be transferred and the new owner may continue the nonconforming structure or lot, subject to the provisions of this Ordinance. This Ordinance allows the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations which do not involve expansion of nonconforming use or structure.

55. Continuance of Nonconforming Uses. The use of land, buildings or structures existing and lawful on April 12, 1977 may continue although such use does not conform to the provisions of this article. The ownership of such land, buildings or structures may be transferred and the subsequent owners may continue the nonconforming use.

56. Nonconforming Structures.

E. A nonconforming structure destroyed by lightning, fire, or other natural causes to the extent of 50% or more of the tax-assessed value may be reconstructed so long as the construction starts within twelve (12) months and the replacement structure is no more nonconforming than the original structure.

F. A structure that does not meet the setback requirements specified herein, and is not located in the Shoreland Zoning Area, may be expanded provided that the addition or expansion does not increase the nonconformity of the structure. In no case shall the existing nonconforming setbacks be further reduced. As an example, a nonconforming structure may be, repaired, maintained or improved within a nonconforming yard area so long as the expansion does not further extend into a nonconforming front, side or rear yard setback. It is the responsibility of the applicant to confirm that a specific site is a nonconforming lot as specified in this Article if this alternative is considered.

G. Nothing in this section shall be construed to prevent construction or reconstruction necessary to make a building accessible to handicapped persons. Handicapped ramps shall not constitute the expansion of a structure.

H. The construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided:

1) The completed foundation does not extend beyond the exterior dimensions of the structure.
2) The foundation does not cause the structure to be elevated by more than two (2) additional feet.
3) The completed foundation shall not exceed seven (7) feet in overall height.

57. Nonconforming Lots of Record.

F. A nonconforming lot of record existing and lawful prior to April 12, 1977 may be built upon without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to set back or other requirements not involving lot size or frontage must be obtained from the Board of Appeals. All variances granted by the Board of Appeals must be recorded in the Kennebec County Registry of Deeds within 90 days of issuance pursuant to 30-A M.R.S. Section 4353(5). Applicants shall be responsible for all costs of recording.

G. No variance shall be issued which results in the reduction of any setback to a distance of less than ten (10) feet for side and rear lot line setbacks or less than twenty (20) feet for front line setbacks or, where the right-of-way line for the front lot line is indiscernible, the minimum setback allowed by variance shall be forty (40) feet from the center line of the traveled way. It is the responsibility of the applicant to confirm that a specific site is a nonconforming lot as specified in this Article. Reference Appendix A of this Article “Building Lot Setback Distances” for clarification of setback distances.

58. Contiguous Built Lots. If two or more contiguous lots of record are in single or joint ownership of record prior to April 12, 1977, if all or part of the lots do not meet the requirements of this Ordinance and if a principal structure exists on each lot, the nonconforming lots may be conveyed separately or together. Any such lots located within the Shoreland or Resource Protection Zone and not served by municipal sewer and water services may be conveyed separately only if the lots comply with the State minimum lot size law and the Subsurface Wastewater Disposal Rules. If two or more principal uses or structures existed on a single lot of recorded prior to April 12, 1977, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

59. Contiguous Lots - Vacant or Partially Built. If two or more contiguous lots or parcels are in single or joint ownership of record prior to April 12, 1977, if any of these lots do not individually meet the dimensional requirements of this ordinance and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

Sec. 4-606 Civil Penalties

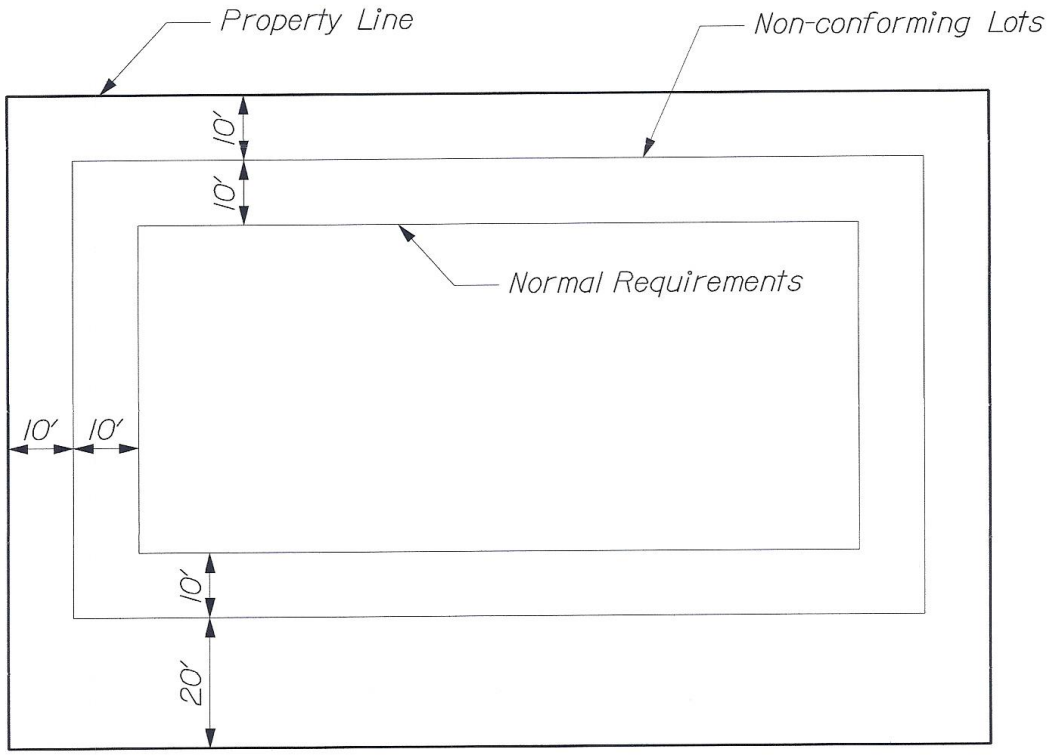
Any work performed without a permit or in violation of this Ordinance, shall be subject to an enforcement action pursuant to 30-A M.R.S. Section §§4452 and may be subject to penalties of not less than $100 nor more than $2500 per violation for each day that the violation continues. The violator may also be ordered to correct or abate the violation in addition to the imposition of civil penalties.

Sec. 4-607 Severability

If any portion of this Ordinance shall be held by a court to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Effective: November 16, 1998
Revised: November 20, 2010
Revised: June 28, 2014
Revised: July, 2025
Revised June 18, 2026 Town Meeting

Building Lots
Setback Distances



FRONT

Designated Addressing Street

APPENDIX A

BOARD OF APPEALS

Sec. 4-701 General Provisions

1. Business of the Board shall be conducted in accord with Maine Statutes, Town Ordinances and Roberts' Rules of Order.
2. It shall be the responsibility of the Board to become familiar with all the duly enacted ordinances of the town which it may be expected to act upon as well as with the applicable state statutes.

Sec. 4-702 Appointments

1. The Board shall consist of five (5) members appointed by the municipal officers of the Town of Farmingdale for terms of three (3) years.
2. Neither a municipal officer nor his or her spouse may be a member of the Board.
3. Any member of the Board may be removed from the Board, for cause, by the municipal officers before expiration of his or her term, but only after notice and an opportunity for a hearing at which the member in question has an opportunity to refute specific charges against him or her. The term, "for cause" shall include failure to attend four (4) consecutive Board meetings or hearings without sufficient justification, or voting when the member has a "conflict of interest."
4. When there is a permanent vacancy, the Chair shall immediately notify the Town Clerk. The municipal officers shall within 60 days appoint a person to serve for the unexpired term.

Sec. 4-703 Officers and Duties

1. Officers. The officers of the Board shall consist of a Chair and an Acting Chairperson, who shall be elected annually by a majority of the Board.
2. Chairperson. The chairperson shall perform all duties required by law and these by-laws and preside at all meetings of the Board. The Chairperson shall rule on issues of evidence, order, and procedure, and shall take such other actions as are necessary for the efficient and orderly conduct of hearings, unless directed otherwise by a majority of the Board. The Chairperson shall appoint any committees found necessary to carry out the business of the Board.
3. Acting Chairperson. The Acting Chairperson shall serve in the absence of the Chairperson and shall have all the powers of the Chairperson during the Chairperson's absence, disability or disqualification.
4. Secretary. The Secretary, who shall not be a regular member of the Board, shall keep minutes of all Board proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Secretary shall also arrange proper and legal notice of hearings, attend to correspondence of the Board, and to other duties as are normally carried out by a secretary. The Secretary shall keep a record of all resolutions, transactions, correspondence, findings and determinations of the Board, and shall prepare a complete record of each hearing, including: date(s), time(s), place(s) of the hearing(s); subject of the hearing; identification of each participant; any agreements made between parties and the Board regarding procedures; the testimony presented; findings of fact and conclusions; the decision of the Board; and the date of issuance of the decision. All records are public and may be inspected at reasonable times.

Sec. 4-704 Conflict of Interest

1. Any question of whether a particular issue involves a "conflict of interest" sufficient to disqualify a member from voting thereon, shall be decided by a majority vote of the members, except the member whose potential conflict is under consideration.
2. The term "conflict of interest" shall be construed to mean direct or indirect pecuniary interest, which shall include pecuniary benefit to any member of the person's immediate family (grandfather, father, wife, son, grandson, e.g.) or to his employer or the employer of any member of the person's immediate family.

Sec. 4-705 Powers and Limitations

1. Board of Appeals. The Board shall have the following powers to be exercised only upon receipt of a written application for variance by the affected landowner or application for appeal by an aggrieved party.
2. Variance. A request for a variance is a request to authorize something not allowed in the Farmingdale Code of Ordinances.
   A. Any person requesting a variance must file an application for such variance, in writing, on a form entitled “Application for Variance” provided at the Town Clerk’s office. Reference is made to “Appendix A” Application for Variance of this Article. The Board may grant a variance only where strict application of Chapter 4 Articles 6 and 12 of the Farmingdale Code of Ordinances would cause undue hardship. The words "undue hardship" as used in this subsection mean:
      1) That the land in question cannot yield a reasonable return unless a variance is granted;
      2) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
      3) That the granting of a variance will not alter the essential character of the locality; and
      4) The hardship is not a result of action taken by the applicant or prior owner.
   B. If the Board grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form. This certificate must be recorded in the local registry of deeds within 90 days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded.
   C. Notwithstanding the general variance standard provided above, the Board of Appeals may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. The Board shall restrict any variance granted under this subsection solely for the installation of equipment or the construction of structures necessary for access to or egress from the property by the person with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability resides on the property. The term “structures necessary for access to or egress from the property” shall include, but not be limited to, railings, wall, or roof systems necessary for the safety or effectiveness of the structure.

3. Appeal. A request for an appeal is a request for reconsideration of a decision made by others pertaining to the Farmingdale Code of Ordinances.
   A. Appeal. Any person requesting an appeal must file an application for such appeal, in writing, on a form entitled “Application for Appeal” provided at the Town Clerk’s office. Reference is made to Appendix B “Application for Appeal” of this Article.
   B. Appeals Board. The Board shall have the power to hear and determine all appeals by any person directly or indirectly affected by any decision, action or failure to act with respect to any license, permit, variance or other required approval, or any application therefore, including, the grant, conditional grant, denial, suspension, or revocation of any such license, permit, variance or other approval (hereinafter a "Decision") rendered by the Code Enforcement Officer or the Planning Board pursuant to Farmingdale Code of Ordinances.
   C. All appeals shall be heard pursuant to a de novo standard of review. The burden of proof shall be on the appellant. The Board shall provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. The Board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of the ordinance or unsupported by substantial evidence in the record.
4. Board of Appeals is designated as the Board of Sewer Appeals. Reference Section 3-209.

Sec. 4-706 Meetings

1. The regular meeting of the Board shall be held once every other month or as necessary when applications for variances or appeals have been filed with the Town Clerk.
2. The annual organization meeting of the Board shall be the first regular meeting of the year.
3. Special meetings of the Board may be called by the chairperson. At least forty-eight (48) hours written notice of the time, place and business of the meeting shall be given each member of the Board, the Selectmen, the Planning Board and the Code Enforcement Officer.
4. The order of business at regular meetings of the Board shall be as follows:
   A. Roll call
   A. Reading and approval of the minutes of the preceding meeting
   B. Action on held cases
   C. Public hearing (when scheduled)
   D. Other business
   E. Adjournment
5. All meetings of the Board shall be open to the public, except executive sessions. All site visits shall be open to the public and shall be attended by the members of the Board. No votes may be taken by the Board except in public meeting. The Board shall not hold executive sessions except for consultation between the Board and its legal counsel concerning litigation or other legal matters where premature general public knowledge would clearly place the town or Board at a substantial disadvantage.

Sec. 4-707 Voting

1. A quorum shall consist of three (3) members of the Board.

2. No hearing or meeting of the Board shall be held, nor any action taken, in the absence of a quorum; however, those members present shall be entitled to request the chairperson to call a special meeting for a subsequent date.
3. All matters shall be decided by a roll call vote. Decisions on any matter before the Board shall require the affirmative vote of a majority of the Board unless otherwise specified herein.
4. A tie vote or favorable vote by a lesser number than the required majority shall be considered a rejection of the application under consideration.
5. If a member has a conflict of interest, said member shall not be counted by the Board in establishing the quorum for such matter.

Sec. 4-708 Appeal Procedure

1. Any person aggrieved by an action which comes under the jurisdiction of the Board must file such application for appeal, in writing, on a form provided at the Town Clerk's office within thirty (30) days of the granting or denial of a permit. The applicant shall file this appeal at the office of the Town Clerk, setting forth the ground for his/her appeal. Upon receiving the application for appeal, the Town Clerk shall notify the Chairperson of the Board.
2. The fee to accompany applications for appeal shall be as set by the Board of Selectmen. Current fee rates are available from the Town Clerk. Checks are to be made payable to the Town of Farmingdale, Board of Appeals.

Sec. 4-709 Hearings

1. A request for a hearing initiates a process rather than an immediate appointment to be heard.
2. A request for a hearing is initiated by submission of a completed application form plus substantiating enclosures, with the nonrefundable Application Fee, to accurately and thoroughly express the rationale for the request to the Town Clerk. The Application shall also include any written communication from the Code Enforcement Officer which states why a permit could not be issued.
3. The Code Enforcement Officer and the Chair of the Appeals Board shall review the material submitted to determine whether the material provided meets the requirements of this Article.
4. The Town Clerk shall be advised whether the material provided is acceptable or not. If not acceptable, the Applicant shall be advised the specific reason(s) to be corrected or provided. If acceptable, the Applicant shall be requested to provide the additional direct costs, or estimated costs as determined by the Town Clerk, to the Town of Farmingdale. Reference Appendix 1 for a review of applicable fees.
5. The Board shall schedule a public hearing on all appeal and variance applications, after payment in full of all fee and direct costs, within (35) days of the filing of a completed application. Should the Board of Appeals wish to schedule a site visit prior to the public hearing, the thirty five (35) day time frame shall apply to the scheduling of the site visit, rather than the public hearing. The public hearing shall instead be conducted as soon as possible following the site visit.
6. The Board shall cause notice of the date, time and place of such hearing, the location of the building or lot, and the general nature of the question involved, to be given to the person making the application and to be published in a newspaper of general circulation in the municipality, at least two times, the date of the first publication to be

at least seven days prior to the hearing. The Board shall also cause notice of the hearing to be given to the municipal officers, the Planning Board, the Code Enforcement Officer, and the owners of property abutting that for which the appeal is taken at least 20 days prior to the date of the hearing.

Sec. 4-710 Decisions

1. Decisions by the Board shall be made not later than thirty (30) days from the date of the final hearing.
2. The final decision on any matter before the Board shall be made by written order signed by the chairperson. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion presented and the appropriate order, relief or denial thereof.
3. The Board, in reaching said decision, shall be guided by standards specified in the applicable state laws, local ordinances, policies specified in the Comprehensive Plan (if any) and by Findings of Fact by the Board in each case.
4. In reviewing an application on any matter, the standards in any applicable local ordinance or statute shall take precedence over the standards of these rules whenever a conflict occurs. In all other instances, the more restrictive rule shall apply.
5. The board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this ordinance or unsupported by substantial evidence in the record.
6. Notice of any decision shall be sent by certified or registered mail or hand delivered to the applicant or designated agent, the Planning Board, the Code Enforcement Officer, and the municipal officers within seven (7) days of the decision.
7. Decisions of the Board, once adopted, shall be immediately filed in the office of the Town Clerk and shall be made public record. The date of filing of each decision shall be entered in the official records and minutes of the Board.

Sec. 4-711 Reconsiderations

1. The Board may reconsider any decision. The Board must decide to reconsider any decision, notify all interested parties and make any change in its original decision within 10 days of its prior decision. A meeting to decide whether to reconsider shall be called by the Chairperson in accordance with this Article. The Board may conduct additional hearings and receive additional evidence and testimony.
2. Reconsideration should be for one of the following reasons:
   A. The record contains significant factual errors due to fraud or mistake, regarding facts upon which the decision was based; or
   B. The Board misinterpreted the ordinance, followed improper procedures, or acted beyond its jurisdiction.

Sec. 4-712 Appeal to Superior Court

The decision of the Board of Appeals may be taken, within forty-five (45) days after the decision is rendered, by any party to Superior Court in accordance with the Maine Rules of Civil Procedure.

Revised: June 23, 2012

Revised June 28, 2014

Town of Farmingdale
Application for Variance
to Board of Appeals

Name of Applicant: _____

Mailing Address: _____

City or Town: _____ , Maine Zip Code:_____

Telephone: _____

Name(s) of Lot Owner: _____ Tax Map:_____ Lot No.:_____

A. Variance is relief from a dimensional requirement, such as a setback distance, required under the Farmingdale Code of Ordinances.

Nature of Variance: Describe generally the nature of the variance _____

In addition to the above description, a sketch plan of the property, drawn approximately to scale, must accompany this application showing dimensions and shape of the lot, the size and locations of existing structures, the locations and dimensions of proposed buildings or alterations, distance between structure and lot lines, shorelines, and roads, and any natural or topographic peculiarities of the lot in question.

B. Variance Criteria (Section 4-705 of the Farmingdale Code and 30-A M.R.S.A. §4353): In order for a variance to be granted, the appellant must demonstrate to the Board of Appeals that the strict application of the terms of the zoning ordinance would cause undue hardship. There are four criteria which must be met before the Board of Appeals can find that an undue hardship would be imposed by strict application of the ordinance standards. Please explain on an attached sheet of paper how your situation meets each of those criteria listed below.

1. The land in question cannot yield a reasonable return unless the variance is granted.
2. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.
3. The granted of a variance will not alter the essential character of the locality.
4. The hardship is not the result of action taken by the appellant or a prior owner.

I certify that the information contained in this application and any attachment is true and correct.

_____ _____

Date Signature of Applicant

Upon completion, please return this form along with any attachments, to the Farmingdale Town Clerk. You will be notified of the date of the hearing on your variance request.

APPENDIX A

Town of Farmingdale
Application for Appeal
to Board of Appeals

Name of Appellant: _____

Mailing Address: _____

City or Town: _____ , Maine Zip Code:_____

Telephone: _____

Name(s) of Lot Owner: _____ Tax Map:_____ Lot No.:_____

Attach copy of Building Permit or other relevant application and written decision, if any, of Code Enforcement Officer or Planning Board.

Administrative Appeal. Relief from the decision or lack of decision of the Code Enforcement Officer or Planning Board in regard to an application for a permit.

The undersigned believes that (check one):

☐ An error was made in the denial of the permit.

☐ The denial of the permit was based on a misinterpretation of the ordinance.

☐ There has been a failure to approve or deny the permit within a reasonable period of time

☐ Other:_____

_____

Please explain in more detail the facts surrounding this appeal (please attach a separate piece of paper). You should be as specific as possible so that the Board of Appeals can give full consideration to your case.

I certify that the information contained in this application and any attachment is true and correct.

_____ _____

Date Signature of Applicant

Upon Completion, please return this form along with any attachments, to the Farmingdale Town Clerk. You will be notified of the date of the hearing on your appeal.

APPENDIX B

ARTICLE 6 LAND SUBDIVISIONS

Sec. 4-801 Purpose; Authority; Applicability

1. Purpose. The purpose of this Article is to encourage the most appropriate use of land, provide for the orderly development of the Town, and protect and preserve the health, safety, and general welfare of the citizens of the Town of Farmingdale, including the future occupants of such subdivisions, whether residential, commercial, or industrial.
2. Authority. This ordinance is enacted pursuant to the provisions of 30-A M.R.S.A. § 4401-4407 (Subdivisions) and expressly incorporates the provisions of said Subdivision statutes by reference.
3. Mobile Home Parks. The provisions of this ordinance shall be applicable to mobile home parks, except to extent expressly provided in Chapter 4, Article 9 (Mobile Home Parks) of this Code.

Sec. 4-802 Definitions

1. Manufactured Housing Unit means structures, transportable in one or more sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein, and as otherwise defined in 30-A M.R.S.A. § 4358(1).
2. Mobile Home Park means a parcel of land under unified ownership designed and/or used to accommodate three or more manufactured housing units.
3. Mobile Home Park Lot means the area of land on which an individual manufactured housing unit is situated within a mobile home park and which is reserved for use by the occupants of that unit.
4. Shoreland Zone means the area within 250 feet of the normal high water mark of any great pond, river or upland edge of a fresh water wetland, and that area within 75 feet of the high water line of a stream, and as otherwise defined under 38 M.R.S.A. §§ 435-445.
5. Subdivision means a "subdivision" as defined in 30-A M.R.S.A. §4401(4); and means a mobile home park as defined in this Article.

Sec. 4-803 Application and Preliminary Plan

When any subdivision is proposed and before any other action is taken, the subdivider or the subdivider's duly authorized agent shall file an application, Reference Appendix A of this Article, with the Farmingdale Planning Board for approval. The application shall be in a form required by the Planning Board and shall include a preliminary plan and other information as required by this Article and State statutes. The application shall be submitted to the Planning Board at least ten (10) days prior to a regular meeting of the Planning Board. The application shall be accompanied by a fee established under Section 4-105 of this Chapter and shall contain the following:

1. Location Map. The Preliminary Plan shall be accompanied by a Location Map adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the board to locate the subdivision within the municipality. Reference Appendix C of this Article. The Location Map shall show:
   A. Existing subdivisions in the proximity of the proposed subdivision.
   B. Locations and names of existing and proposed streets. Reference Appendix D and E of this Article.

C. Boundaries and designations of zoning districts.

D. An outline of the proposed subdivision and any remaining portion of the owner's property if the Preliminary Plan submitted covers only a portion of the owner's entire contiguous holding.

2. Preliminary Plan. The Preliminary Plan shall be submitted in three copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The Preliminary Plan shall be drawn to a scale of not more than one hundred feet to the inch. The Board may allow plans for subdivisions containing more than one hundred acres to be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. In addition, one copy of the plan(s) reduced to a size of 8 1/2 by 11 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the first meeting at which the application is considered. The following information shall be shown on the Preliminary Plan:

A. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Tax Assessor's Map and Lot numbers.

B. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate proposed lot lines and the type of monument set or found at each lot corner. Reference Appendix B of this Article.

C. The date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan.

D. The names and addresses of owners of record of adjacent property, including any property directly across an existing public street from the subdivision.

E. Contour lines at five (5) foot intervals unless otherwise specified by the Planning Board, showing elevations in relation to Mean Sea Level, and proposed elevations for areas to be excavated or filled.

F. The number of acres within the proposed subdivision and area of each lot.

G. The location, names, and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.

H. Location and arrangement of proposed off-street parking and loading areas and their appurtenant drives and maneuvering areas.

I. Location of existing and proposed pedestrian walkways.

J. Location of existing and proposed utilities and easements therefore, including sanitary sewerage, water supply, and electricity; and locations of all drilled wells.

K. Location of existing natural drainage ways and proposed storm drainage facilities on or adjacent to the subdivision, including dimensions of culverts and pipes.

L. Location of buildings on abutting dwelling units and other structures within the proposed subdivision.

M. Location of existing vegetative cover type, and other essential existing physical features, and the location of any trees larger than 24 inches in diameter at a height of four (4) feet.

N. Location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication.

O. The location of any open space to be preserved and an indication of its improvement and management.

P. If any portion of the subdivision is in a flood prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

Q. Location of all portions of Shoreland Zone, if any, within 250 feet of the proposed subdivision.

3. Other Information. The application shall contain the following:

A. Deeds and Covenants.

1) A copy of the deed(s) from which the survey was based. A copy of all existing covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property, and all written evidence of applicant's right, title, or interest in the property.

2) A copy of any proposed covenants or deed restrictions intended to cover all or part of the lots in the subdivision.

3) A copy of all proposed sewer and storm drain easements to be delivered to the Town.

B. Water Supply.

1) If a public water supply is not to be used, the application shall include report(s) by qualified professional(s) stating that the proposed subdivision will have a sufficient quantity of drinking water available for each dwelling unit within the subdivision for the foreseeable future and the source of such water.

2) If a public water supply is to be used, the application shall include a letter from the servicing water district stating that there is adequate supply and pressure for the proposed subdivision.

C. Soils Conditions on the Site. If subsurface sewage disposal is proposed, the information shall include evidence of soil suitability according to the State of Maine Subsurface Wastewater Disposal Rules Test Pit Analysis by a Licensed Site Evaluator. The Site Plan shall show the location of soil test areas or pits and natural wet areas. If no subsurface sewage disposal is proposed, medium intensity soils survey information about the site shall be included in the application. The Planning Board may require more extensive soils information if such is deemed necessary to adequately review the proposal.

D. Ground water. If the subdivision is not served by a public sewer, the application shall include an assessment of the impacts or proposed development on ground water quality. The assessment shall be prepared by a Certified Geologist or Registered Professional Engineer, and shall include the following:

1) A map showing the basic soil types.

2) The depth to the water table at representative points throughout the subdivision.

3) Drainage conditions throughout the subdivision.

4) Data on the existing ground water quality, from test wells in the subdivision or from existing wells on neighboring properties.

5) An analysis and evaluation of the effect of proposed development on ground water resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, at the subdivision boundaries and at a distance of 1000 feet from potential contamination sources, whichever is a shorter distance. For subdivisions within the watershed of a lake, projections of the development's impact on ground water phosphate concentrations shall also be provided.

6) A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

E. Public Sewage.

1) When sewage disposal is to be accomplished by connection to the public sewer, the application shall contain a letter from the Town Sewer Committee or appropriate district indicating there is adequate capacity within the system to transport and treat the estimated volume sewage.

2) The applicant shall provide the Sewer Committee a copy of the preliminary plan showing the placement of proposed sewer and storm drains, and copies of proposed easements (under 3(A)(3) of this Section).

F. Multi-Unit Structures.

1) If the subdivision involves the division of a structure into three or more dwelling units, the applicant shall submit detailed plans of the proposed structure prepared by a registered architect.

2) If the subdivision is a condominium the applicant shall submit a copy of the public offering statement, if any.

Sec. 4-804 Processing of Application

1. The Town Clerk, at the request of the Planning Board Chairman, upon receipt of a subdivision application, shall notify the abutting landowners by certified mail of the proposed subdivision and the date of the Planning Board meeting at which the application and preliminary plan will be reviewed.
2. The Planning Board shall study and review the application with respect to zoning requirements, subdivision requirements, compatibility with the Town of Farmingdale Comprehensive Plan, or any other land use articles and regulations which are appropriate for the proposed subdivision, and determine whether the application is complete.
3. The Planning Board shall notify the subdivider within thirty (30) days after receipt of the application, either that the application is complete or, if the application is incomplete, the specific additional material needed to complete the application.
4. The Planning Board may require the subdivider to provide further information and/or test results it deems necessary. Based on this information, the Planning Board may require a revised preliminary plan.
5. Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval of the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the

approval of the final plan, the Board may require additional changes as a result of the further study of the subdivision or as a result of new information received.

Sec. 4-805 Final Plan

1. Final Review Procedure.
   A. After the municipal reviewing authority has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision. Unless otherwise mutually agreed to, the notice and time provisions of 30-A M.R.S.A. § 4403 (4) and (5) shall apply. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification.
   B. The subdivider shall, within six months after the approval of the preliminary plan, file with the Board an application for approval of the final plan. If the application for the final plan is not submitted within six months after preliminary plan approval, the Board may refuse, without prejudice, to act on the final plan, and require resubmission of a preliminary plan. The final plan shall include all information shown on the preliminary plan, plus any recommended additions or modifications made by the Board.
   C. The subdivider, or the subdivider's duly authorized representative, shall attend the meeting of the Board to discuss the final plan.
   D. Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where appropriate:
      1) Maine Department of Environmental Protection, under the Site Location of Development Act, Alteration of Coastal Wetlands Act, Great Ponds Act, Fresh Water Wetlands Act, Alteration of Streams and Rivers Act, or if a Wastewater Discharge License is needed.
      2) The servicing water utility, if an existing public water service is to be used.
      3) Maine Department of Human Services, if the subdivider proposes to provide a central water supply system.
      4) The Sewer Committee, if public sewage disposal system is to be used.
      5) Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.
   E. The applicant shall notify the Addressing Officer, Board of Selectmen, Road Commissioner, School Superintendent, Sewer Committee, and Fire Chief of the proposed subdivision, the number of dwelling units proposed, the length and name of roadways, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The applicant shall request that these officials provide the Planning Board with their written comments upon the adequacy of existing capital facilities to service the proposed subdivision. Reference Chapter 5, Article 3 “Enhanced 911 Addressing”.
   F. Before the Board grants approval of the final plan, the subdivider shall meet the performance guarantee requirements established by the Planning Board.
   G. If the subdivision is located in more than one municipality, the Board shall have a joint meeting of the Planning Board of the adjacent municipality to discuss the Plan.
2. Submission of Final Plan. The final plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for

subdivisions containing more than seventy-five acres may be to a scale of not more than two hundred feet to the inch. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved thereon for the endorsement by the Board. Two reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Offices, and three copies of the plan shall be submitted. The subdivider may, instead submit one reproducible stable based transparent copy of the final plan and one recording plan with three copies of the final plan. In addition, one copy of the final plan, reduced to a size of 8 1/2 by 11 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting. Reference Appendix F of this Article.

3. The application for approval of the final plan shall include all of the information required under Section 4-803 and the following information:

   A. The location, names, and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The length of all straight lines, the deflection angles radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included.

   B. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer of cession shall be included.

   C. A list of construction items with cost estimates what will be completed by the developer prior to the sale of lots. A separate list of construction and maintenance items, with both capital and annual operating cost estimates that must be financed by the municipality, or quasi-municipal districts. These lists shall include but not be limited to:

      1) Schools, including busing.
      2) Street maintenance and snow removal.
      3) Police and fire protection.
      4) Solid waste disposal.
      5) Recreation facilities.
      6) Storm water drainage.
      7) Wastewater treatment.
      8) Water supply.

      The developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.

   D. Proof of adequate technical and financial capacity to complete the proposed subdivision.

E. If the subdivision is a condominium, a copy of the declaration and other documents required by statute or to be recorded in the Registry of Deeds.

F. The applicant shall deliver to the Planning Board executed and notarized deeds conveying permanent easements to the Town of Farmingdale for the construction, maintenance, repair and replacement of necessary sewer and storm drains. Such easements shall not be less than 20 feet in width (10 feet from center of drain on each side).

4. Final Approval and Filing.

A. No plan shall be approved by the Planning Board if the subdivider is in default on a previously approved plan.

B. Upon findings of fact and determination that all standards in Title 30-A M.R.S.A. § 4404, and these regulations have been met, and upon voting to approve the subdivision, the Board shall sign the final plan. The Board shall issue a written order:

1) denying approval of the proposed subdivision; or

2) granting approval of the proposed subdivision; or

3) granting approval upon any terms and conditions that it considers advisable to:

a) satisfy the criteria listed in 30-A M.R.S.A. § 4404;

b) satisfy any other regulations adopted by the reviewing authority;

c) protect and preserve the public's health, safety and general welfare.

C. The Planning board shall make written findings of fact establishing that the proposed subdivision does or does not meet the criteria described in 30-A M.R.S.A. § 4404 and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the Assessors. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. Any subdivision not recorded in the Registry of Deeds within ninety (90) days of the date upon which the plan is approved and signed by the Board shall become null and void.

D. At the time the Board grants final plan approval, it may permit the plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the plan. If any municipal or quasi-municipal department head notified of the proposed subdivision informs the Board that their department or district does not have adequate capital facilities to service the subdivision, the Board shall require the plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision. If the superintendent of schools indicates that there is less than 20% excess classroom capacity existing in the school(s) which will serve the subdivision, considering previously approved but not built subdivisions, the Board shall require the plan to be divided into sections to prevent classroom overcrowding.

E. No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless the revised final plan is first submitted and the Board approves any modifications, except in accordance with this Article. The Board shall make findings that the revised plan meets the standards of Title 30-A, M.R.S.A. § 4404, and these regulations. In the event that a plan is recorded without complying with this

requirement, it shall be considered null and void.

F. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

G. Failure to commence substantial construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, after notice and hearing, the Board may cause a notice placed in the Registry of Deeds to that effect.

Sec. 4-806 General Requirements

1. No person shall install, erect, or construct, or cause to be installed, erected, or constructed any such installation as buildings, signs, or other fixtures excepting only the installation of other property devoted to the public use of any public utility or district and underground pipelines, in, upon or near any street or lot line as follows:
   A. Within 30 feet from the right-of-way line of any existing street or proposed street or, where the existing right-of-way line is indiscernible, 50 feet from the center line of the existing traveled way.
   B. Distance from lot line on the side or rear not abutting any street or right-of- way, house, trailer, garage, shed, etc. to be 20 feet minimum.
   C. No fences, shrubbery, or hedges to be planted on town right-of-way.
   D. Fences or hedges or ground elevation on "corner lots" shall not obstruct line of-sight for a distance of 30 feet along each street at intersection at street level
2. The Planning Board may require that the developer provide space for future municipal uses.
3. Street trees and open green spaces may be required at the discretion of the Planning Board. Where such improvements are required, they shall be incorporated in the Final Plan and executed by the subdivider as construction of the subdivision progresses.
4. Subdivisions containing fifteen (15) lots or more, or the reasonable potential for fifteen (15) lots or more, shall have at least two street connections with existing public streets or streets shown on the Official Map, if such exists, or streets on an approved Subdivision Plan for which a bond has been filed.
5. Entrances onto existing or proposed collector streets shall not exceed a frequency of one (1) per 400 feet of street frontage.
6. A Cul-de-Sac, or dead end street, shall not exceed 2000 feet.
7. The names of new streets shall be approved by the Addressing Officer in accordance with the provisions of Chapter 5, Article 3 of this Code.

8. Street name signs shall be furnished and installed by the subdivider or he shall reimburse the Town for all costs incurred to furnish and install signs. The type, size, and location shall be to the approval of the Board.
9. The developer shall provide a statement from a licensed State of Maine Land Surveyor or Professional Engineer that the proposed subdivision will not create erosion, drainage, or runoff problems either in the subdivision or in adjacent properties. The developer shall submit a surface drainage plan showing ditching, culverts, catch basins, storm sewers, easements, and other proposed improvements. The developer shall be held financially responsible to the Town for the correction of any problems indicated in this Section.
10. Permanent reference monuments shall be set at all corners and angle points of the boundaries of the original tract to be subdivided. All lot corner markers shall be permanently located and shall be at least three-quarter (3/4) inches (if metal) in diameter and at least twenty-four (24) inches in length, and located in the ground to existing grade. Location of these are to be shown on the Final Plan.
11. Written certification by the Board of Selectmen to the Planning Board of compliance with the Street Design and Construction Standards or of adequate assurance of such compliance under Article I of Chapter 3 of this Code, shall be a condition of subdivision approval.

Sec. 4-807 Cost

The Planning Board may charge to a subdivider, in addition to the Application fee, such costs as are reasonable for independent studies, reviews, reports, etc., that the Planning Board deems necessary over and above those furnished by the subdivider. The appropriate Application Fee may be reviewed in Appendix 1

Sec. 4-808 Enforcement

No person, firm, corporation or other legal entity may convey, offer, or agree to convey any land in a subdivision which has not been approved by the Planning Board. No subdivision plat or plan shall be recorded by the Register of Deeds which has not been approved as required. Approval for this purpose of recording shall appear in writing on the plat or plan. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a plan has not been approved. Any approved final plan will be recorded at the Register of Deeds with three (3) certified copies returned to the Farmingdale Planning Board within 14 days from completion of recording.

The Town of Farmingdale and its appropriate Municipal Officers may institute proceedings to enjoin the violation of this Article. Penalties shall be in accordance with Article I of this Chapter.

Sec. 4-809 Severability

If any provision of this Article is held to be invalid for any reason, such invalidity shall not affect the remaining provisions of this Article which shall remain in full force and effect.

Effective: April 16, 1974
Revised: June 28, 2014

TOWN OF FARMINGDALE SUBDIVISION APPLICATION

FEE: _____

Applicant's Name: _____ DATE:_____

Address:_____

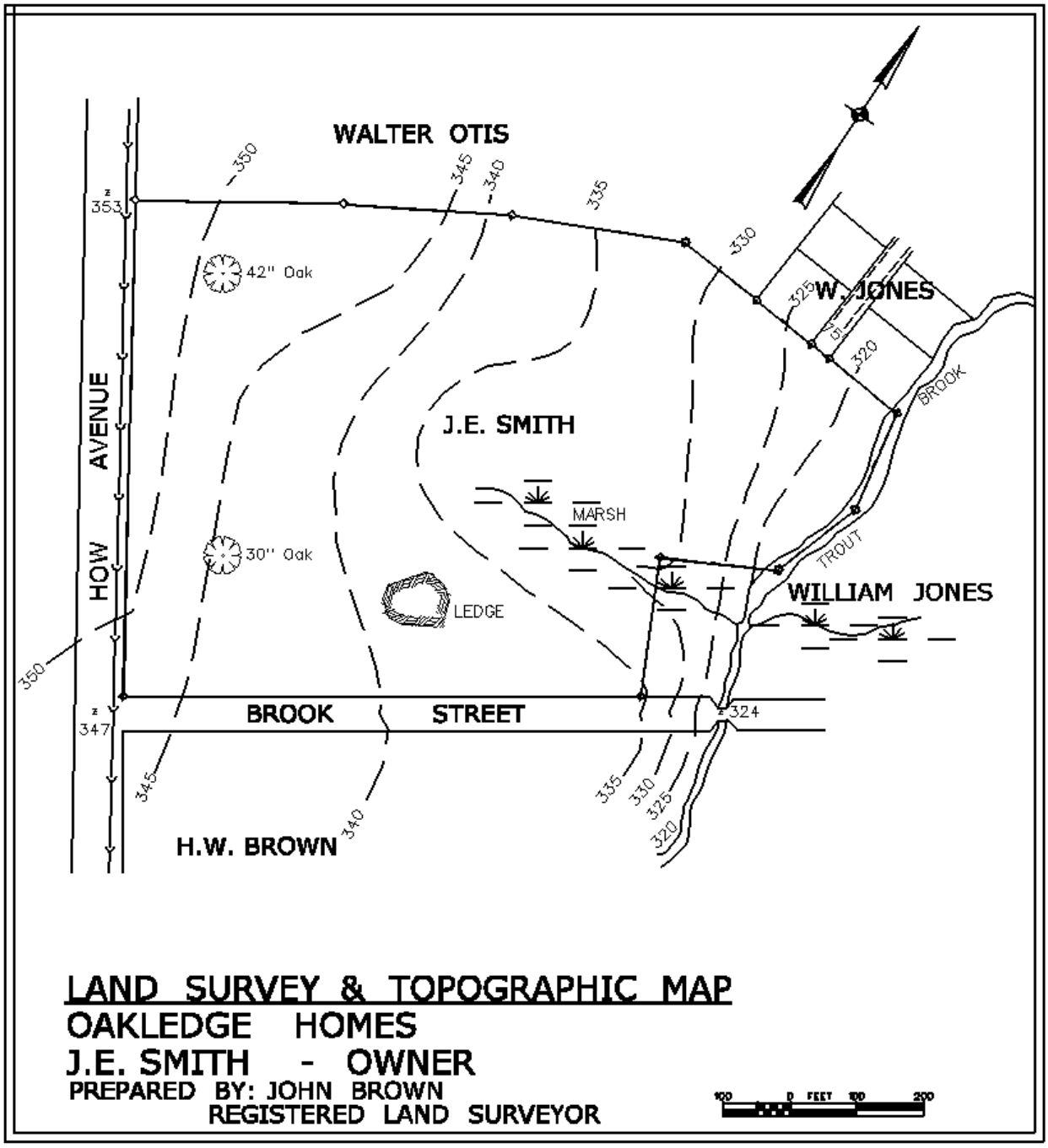
_____

1. Location and Name of Subdivision:_____
2. Map and Lot Number (information available at Town Office):_____
3. Present Zoning (information available at Town Office):_____
4. Proposed Land Use:_____
5. Amount of Land in Subdivision:_____
6. Amount of Land Retained for Future Use:_____
7. Proposed Use of Retained Land:_____
8. Amount of Land (if any) Dedicated for Park:_____
9. Type of Proposed Sewerage Disposal:_____
10. Type of Proposed Water Supply (well or municipal water):_____
11. Method of Solid Waste Disposal:_____
12. Type of Soil:_____
13. Attach a sketch of proposed subdivision showing scale, date, and north point, existing property lines, proposed lot lines and approximate dimensions; existing and proposed roads; surface waters and drainage ways and other significant existing features; abutting land owners and abutting land use. Indicate contour lines of five (5) feet intervals and any other information required in the latest amendment of the subdivision ordinance.
14. The entire land under this application is described herewith by deed and map.
15. The land is held by the applicant under deed recorded in the Clerk's Office as follows:
16. _____County
17. (State recording references)
18. The applicant estimates that the grading and requirements for public improvements will cost $_____, as itemized and requests that a performance bond or other sureties be approved by the Town Board. Include detailed list of computations for basis of estimate plus name or names of individual(s) determining estimate. Qualifications of those determining cost estimate may be required by the Board.
19. All proposed streets shown on plat shall be dedicated by deed of conveyance. Necessary for acceptance of Final Plan.
20. Submittals of information pertaining to the proposed subdivision shall include all information required in the latest Amendment to the Subdivision Ordinance (Article IX, Chapter 4 of the Farmingdale Code to revise and clarify application procedures) entered June 12, 1990.

[NOTE: Applicant must provide evidence of compliance with Chapter 4, Article IX, and Chapter 3, Article I of the Farmingdale Code and the Review Criteria under 30-A M.R.S.A. §4404.]

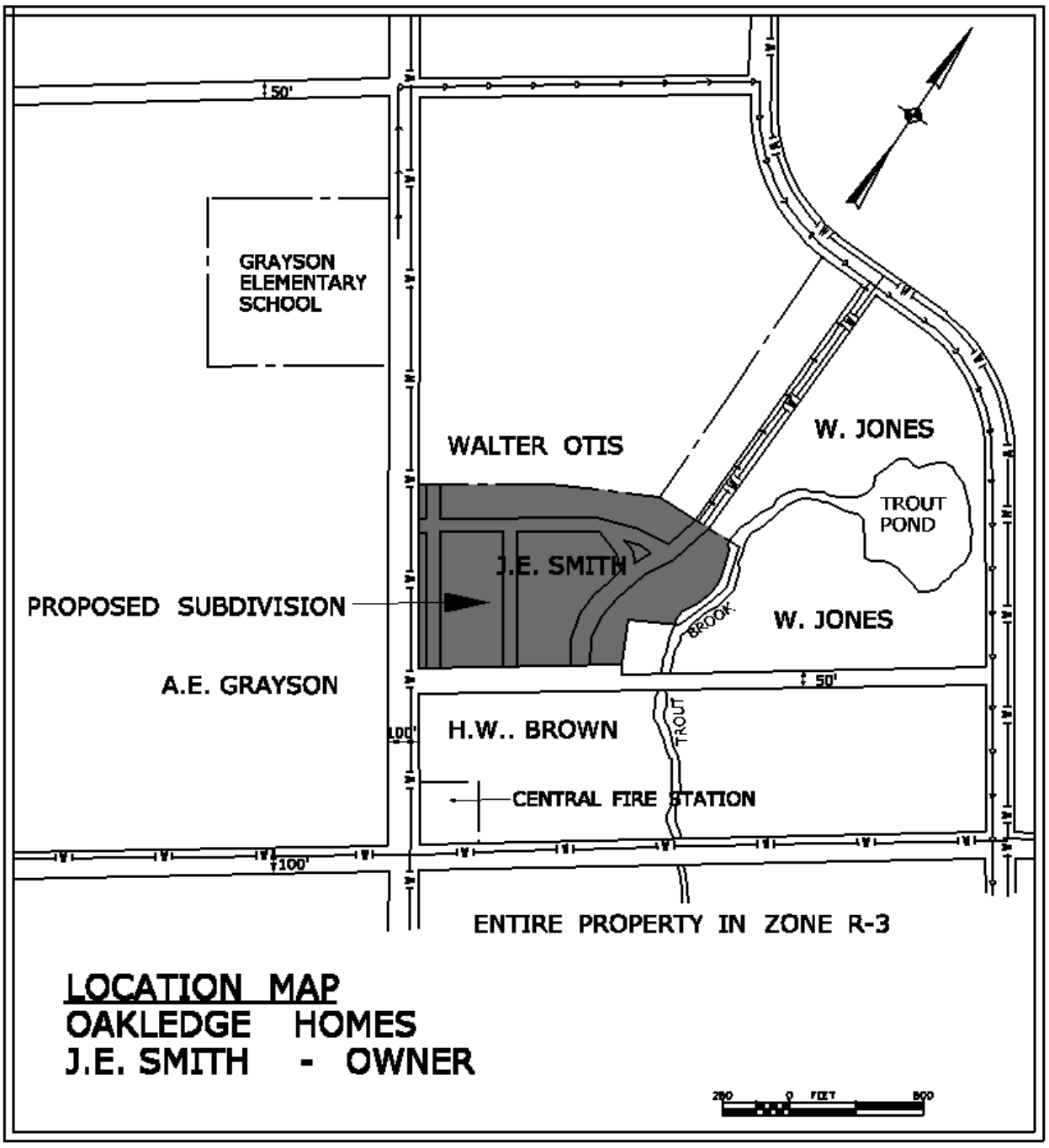
APPENDIX A

(Sample)
LAND SURVEY AND TOPOGRAPHIC MAP



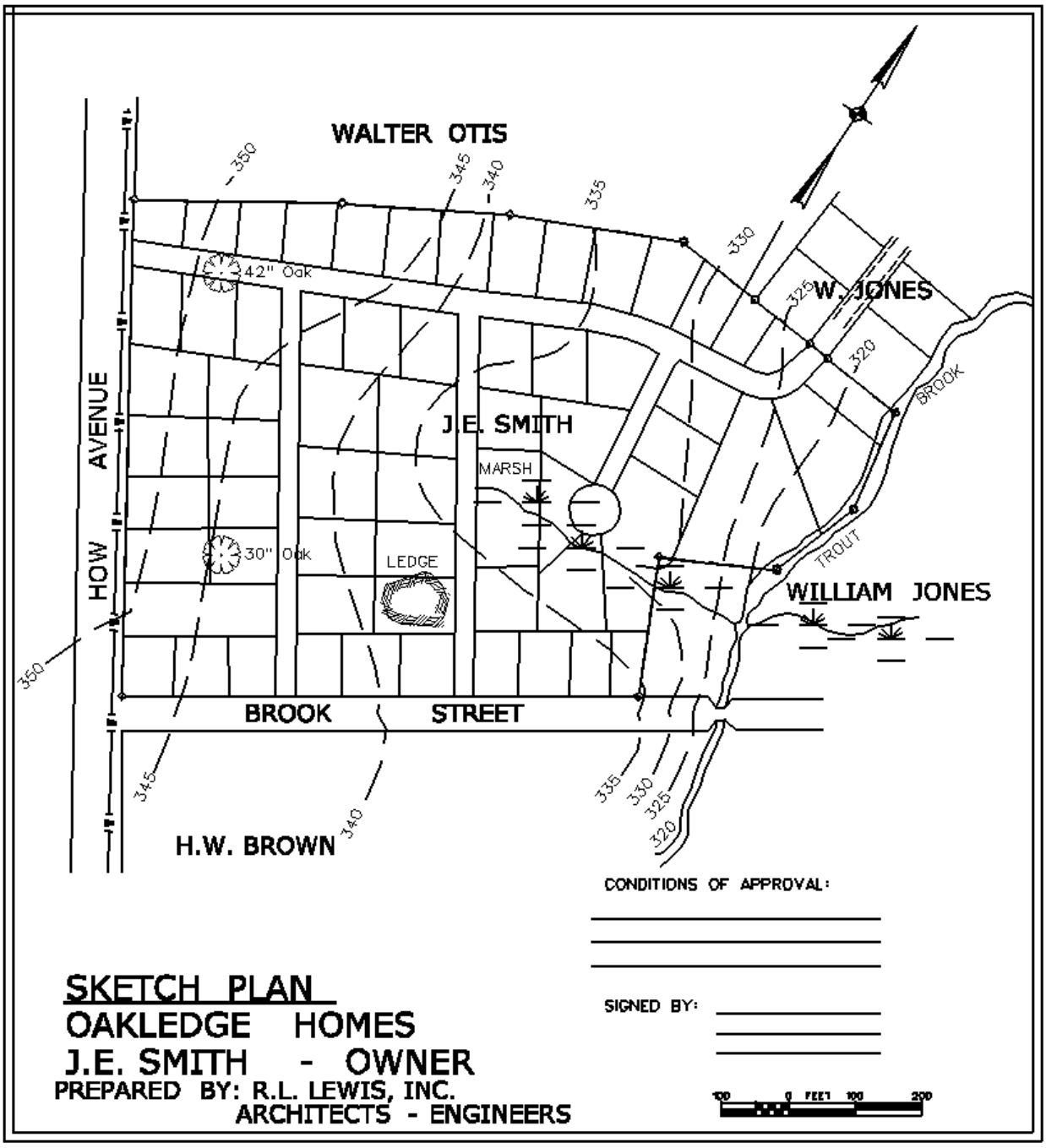
APPENDIX B

(Sample)
LOCATION MAP



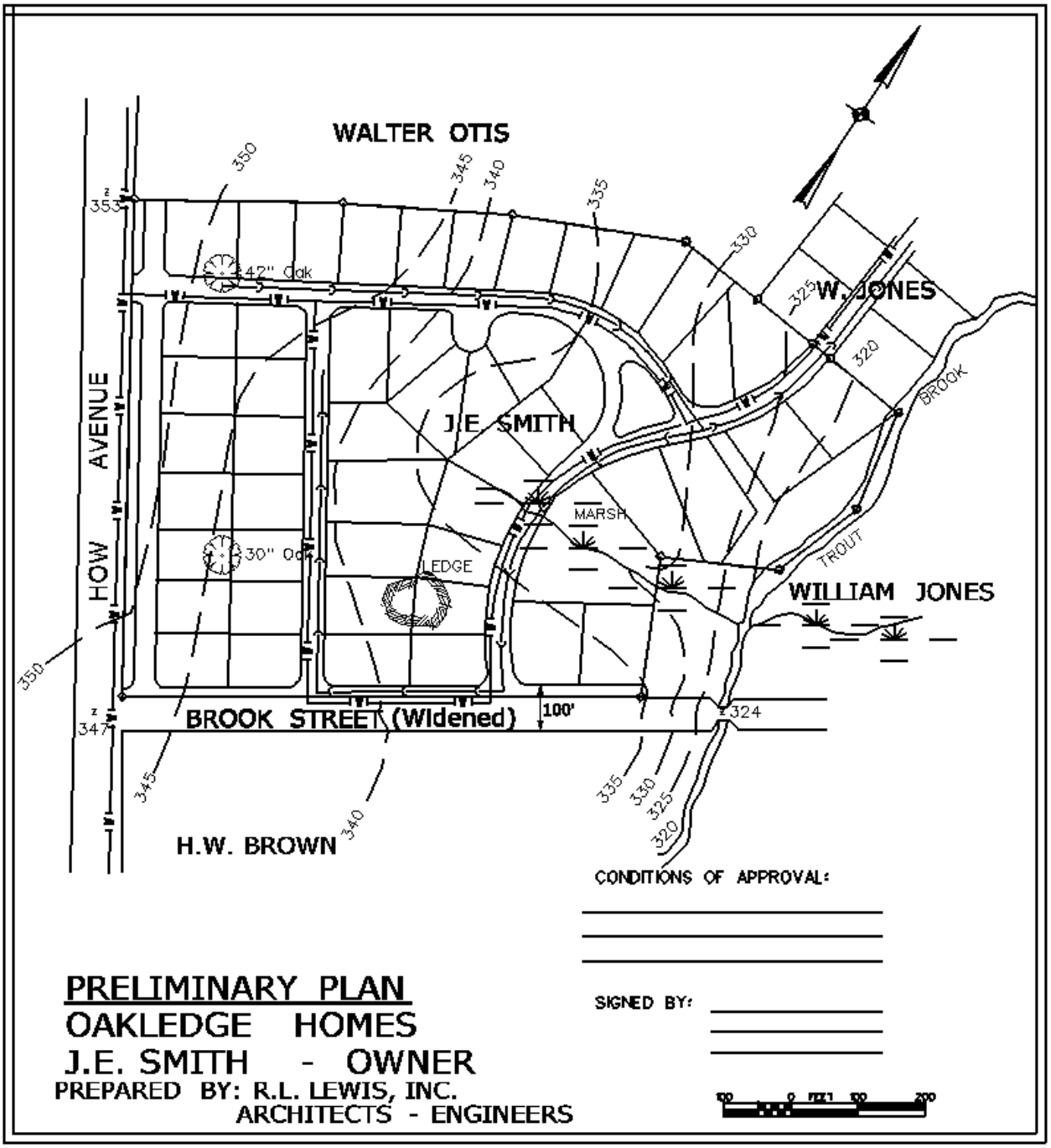
APPENDIX C

(Sample)
SKETCH PLAN



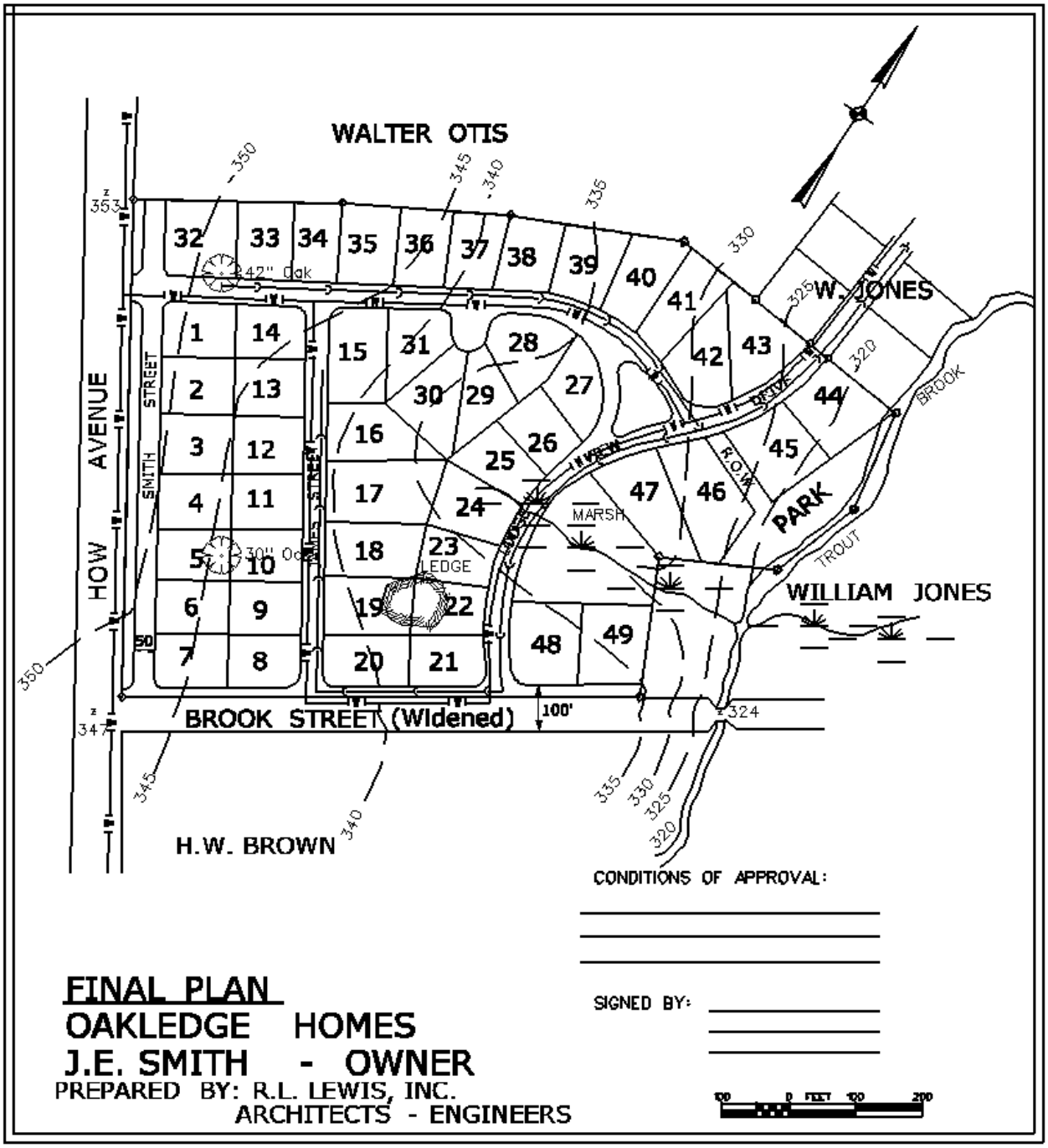
APPENDIX D

(Sample)
PRELIMINARY PLAN
After Review of Sketch Plan*



APPENDIX E

(Sample)
FINAL PLAN



APPENDIX F

ARTICLE 7 MOBILE HOME PARKS

Sec. 4-901 Purpose; Authority

1. The purpose of this Article is to promote the orderly development of mobile home parks to ensure the health, safety, and general welfare of the residents of the mobile home parks and the Town of Farmingdale.
2. This Article is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and in 30-A M.R.S.A. § 3001, and the powers and limitations pertaining to mobile home-parks set forth in 30-A M.R.S.A. § 4358(3), and subdivisions as set forth in 30-A M.R.S.A. §§ 4401-4407.

Sec. 4-902 Definitions

1. Manufactured Housing Unit means structures, transportable in one or two sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein and as otherwise defined in 30-A M.R.S.A. § 4358(1).
2. Mobile Home Park means a parcel of land under unified ownership designed and/or used to accommodate three or more manufactured housing units.
3. Mobile Home Park Lot means the area of land on which an individual manufactured housing unit is situated within a mobile home park and which is reserved for use by the occupants of that unit.
4. Shoreland Zone means the area within 250 feet of the normal high water mark of any great pond, river or upland edge of a fresh water wetland, and that area within 75 feet of the high water line of a stream, and as otherwise defined under 38 M.R.S.A. §§ 435-445.
5. Subdivision means a "subdivision" as defined in 30-A M.R.S.A. § 4401(4); and means a mobile home park as defined in this Article.

Sec. 4-903 Applicability

This Article shall apply to all development proposals for new construction of mobile home parks and to any expansion of existing mobile home parks.

Except as expressly provided in this Article, a mobile home park shall meet all the requirements for a residential subdivision, and shall conform to all applicable State laws and local ordinances or regulations. A mobile home park is a subdivision and except as modified in this ordinance, all procedures, provided under the Subdivision Ordinance (Article 8) ("Subdivision Ordinance") and under 30-A M.R.S.A. §§ 4401. Where the provisions of this ordinance conflict with specific provisions of the Subdivision Ordinance, the provisions of this Article shall prevail.

This Article shall not apply to a mobile home subdivision as defined by 30-A M.R.S.A. § 4358(I)(C) or development for the placement of manufactured housing units on individually owned lots.

Sec. 4-904 Application

Prior to the establishment or expansion of a mobile home park, an applicant shall apply for subdivision approval. The application shall include information required under the Subdivision Ordinance and shall specifically include the following:

1. Preliminary Plan. The applicant shall submit a preliminary plan, which shall contain:
   A. Proposed name of the mobile home park and the name of the municipality in which it is located, plus the Tax Assessor's Map and Lot numbers.
   B. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate proposed lot lines and the type of monument set or found at each lot corner.
   C. The date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan.
   D. The names and addresses of owners of record of adjacent property, including any property directly across an existing public street from the mobile home park.
   E. Contour lines at five (5) feet intervals unless otherwise specified by the Planning Board, showing elevations in relation to Mean Sea Level, and proposed elevations for areas to be excavated or filled.
   F. The number of acres within the proposed mobile home park and area of each mobile home park lot.
   G. The location, names, and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the mobile home park.
   H. Location and arrangement of proposed off-street parking and loading areas and their appurtenant drives and maneuvering areas.
   I. Location of existing and proposed pedestrian walkways.
   J. Location of existing and proposed utilities and easements therefore, including sanitary sewerage, water supply, and electricity; and locations of all drilled wells.
   K. Location of existing natural drainage ways and proposed storm drainage facilities on or adjacent to the mobile home park, including dimensions of culverts and pipes.
   L. Location of existing and proposed dwelling units and other structures within the proposed mobile home park.
   M. Location of buildings on abutting properties within 300 feet of the property line of the proposed mobile home park.
   N. Location of existing vegetative cover type, and other essential existing physical features.
   O. Location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication.
   P. The location of any open space to be preserved and an indication of its improvement and management.
   Q. If any portion of the mobile home park is in a flood prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
   R. Location of all portions of Shoreland Zone, if any, within 250 feet of the proposed mobile home park.
   S. Location, intensity, type, size and direction of all proposed outdoor lighting.

T. Location of areas proposed for outdoor recreation.

U. Location and type of existing and proposed fences, hedges, and wooded areas of trees of 6-inch diameter and over at a point 4.5 feet above ground level.

V. Location and size of signs and all permanent outdoor fixtures, including street signs.

2. Water Supply. If a public water supply is not to be used exclusively, the application shall include report(s) by qualified professional(s) stating that the proposed mobile home park will have a sufficient quantity of drinking water available for each manufactured housing unit within the mobile home park.

3. Soils Conditions on the Site. If subsurface wastewater disposal is proposed, the information shall include evidence of soil suitability according to the State of Maine Subsurface Wastewater Disposal Rules. The Site Plan shall show the location of soil test areas and natural wet areas. If no subsurface sewage disposal is proposed, medium intensity soils survey information about the site shall be included in the application. The Planning Board may require more extensive soils information if such is deemed necessary to adequately review the proposal.

4. Ground water. For mobile home parks not served by a public sewer, the application shall include an assessment of the impacts of park development on ground water quality. The assessment shall be prepared by a Certified Geologist or Registered Professional Engineer, and shall include the following:

A. A map showing the basic soil types.

B. The depth to the water table at representative points throughout the mobile home park.

C. Drainage conditions throughout the mobile home park.

D. Data on the existing ground water quality, from test wells in the mobile home park or from existing wells on neighboring properties.

E. An analysis and evaluation of the effect of the mobile home park on ground water resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the mobile home park, at the mobile home park boundaries and at a distance of 1,000 feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of a lake, projections of the development's impact on ground water phosphate concentrations shall also be provided.

F. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.

5. Applicant's Interest. The application shall include evidence of the applicant's right, title, or interest in the property to be developed.

6. Park Regulations. The application shall include a copy of proposed mobile home park regulations, consistent with state statute, that assure tenant compliance with the standards in this ordinance, including off-street parking if required, and posted speed limits.

Sec. 4-905 Minimum Design and Performance Standards

1. Lot Size, Width, and Density. Lots in a mobile home park not located within the Shoreland zone shall meet the following lot size, width, and density requirements.

A. Lots served by Public sewer:

Minimum lot area - 6,500 square feet.

Minimum lot width - 65 feet, except that trapezoidal shaped lots fronting a cul-de-sac shall have a minimum width of 45 feet on the street line.

B. Lots served by individual subsurface sewage disposal system:

Minimum lot area - 20,000 square feet.

Minimum lot width - 100 feet.

C. Lots served by a central subsurface wastewater disposal system:

Minimum lot area - 12,000 square feet.

Minimum lot width - 75 feet.

D. The overall density of a mobile home park served by a central subsurface sewage disposal system shall be no greater than one unit per 20,000 square feet of total park area.

E. Where lots front on a curved right-of-way or are served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the front of the manufactured home.

F. Lots within the Shoreland shall meet the lot area, lot width, setback, and shore frontage requirements for that district.

G. The overall density of the mobile home park shall be the combined area of its mobile home lots plus:

1) The area required for road rights-of-way;

2) The area required for buffer strips, if any;

3) For areas served by public sewer, an open space area for storage and recreation equal to 10% of the combined area of the individual lots; and

4) The area within the municipality's Shoreland setback.

2. Lot Setbacks.

A. The following lot setbacks (from lot line) shall apply to all manufactured housing units and accessory buildings:

1) Front setback - 20 feet.

2) Side setback - 20 feet.

3) Rear setback - 10 feet.

If these requirements conflict with the requirements of the Shoreland zone, the stricter standards shall apply. If a lot is on a public road, the setback shall conform with the residential setback requirements applicable to other residential dwelling units. Side and rear setbacks shall not apply if there exists a minimum of thirty (30) feet between manufactured housing units, including fixtures and accessory structures.

B. For aesthetic purposes, the Planning Board may allow the front setback on a private road within a mobile park to be varied provided that no home may be closer than lo feet from the right-of-way and the average distance is at least 20 feet for all units.

C. Carports of non-combustible materials are not subject to side setback requirements.

D. Lot Coverage. All buildings on the lot, including accessory buildings and structures, but excluding open decks and parking spaces, shall not cover more than 50% of

the lot area.

3. Open Space Requirements for Lots Served by Public Sewer.

   A. Open Space Suitability. At least 50% of the required open space shall consist of land that is suitable for active recreation or storage.

   B. Developed Open Space. All developed open space shall be designed and landscaped for the use and enjoyment of the park residents and shall be maintained for their long term use. Plans for these areas shall be submitted by the developer.

   C. Undeveloped Open Space. To the maximum extent possible, undeveloped open space shall be left in its natural state. Improvements to provide trails for walking and jogging or to provide picnic areas in permitted.

   D. Open Space ownership. The applicant shall submit, as part of the application, a copy of that portion of the proposed park rules and a plan which specify how the open space is to be used and maintained and what conditions are to apply to its use. The plan shall specify the areas to be dedicated to open space, recreation, and storage.

   E. Maintenance and Use. Open space shall be maintained and used for its stated purpose.

4. Buffer Strips.

   A. A 50-foot wide buffer strip shall be provided along all property boundaries that:

      1) Abut residential land which has a gross density of less than half of that proposed in the park, or

      2) Abut residential land that is zoned at a density of less than half of that proposed in the park.

      No structures, streets or utilities may be placed in the buffer strip except that they may cross a buffer strip to provide services to the park.

   B. Within 25 feet of any property line and within the buffer strip, visual screening and/or landscaping shall be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs and trees) and/or natural existing vegetation. This screening shall effectively screen at least 80% of the homes from view from the adjacent property and shall be maintained throughout the life of the project.

5. Parking Requirements. For each mobile home lot there shall be provided and maintained, at least 2 off-street parking spaces. Each parking space shall contain a minimum area of 200 feet with minimum dimensions of 10 feet by 20 feet. This requirement may be waived if a parking lane is provided. In addition to occupant parking, off-street guest and service parking areas shall be provided within the boundaries of the park at a ratio of 1 space for each 4 mobile home park lots. Such parking areas shall be hard surfaced.

6. Road Standards.

   A. Road Design Standards.

      1) Private Roads. Privately owned roads within the mobile home park shall be designed by a Professional Engineer, registered in the State of Maine, and shall be built according to accepted engineering standards.

      2) Roads for Public Acceptance. Roads within mobile home parks which are to be offered for acceptance to the Town shall meet the minimum design and

construction standards contained in Chapter 3, Article I (Street Design and Construction Standards), and Chapter 4, Article IX (Subdivision Ordinance).

3) Intersection with Public Roads. Mobile home park roads that intersect with public roads shall meet the following standards:

a) Angle of intersection. The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.

b) Grade. The maximum permissible grade within 75 feet of the intersection shall be 2%.

c) Minimum sight distance. The minimum sight distance shall be 10 times the posted speed limit on the existing road. Sight distances shall be measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3 1/2 feet above the pavement and the height of object 4 1/4 feet.

Where necessary, the park land bordering the intersection shall be cleared of all growth and sight objections to achieve the required visibility.

B. Access and Circulation.

1) The layout and general development plan for major and minor access streets and driveways within the mobile home park, together with the location and dimensions of access junctions with existing public streets and rights-of-way shall be approved by the Planning Board.

2) A traffic impact analysis shall be required if the park will generate more than 500 trips/day.

3) For mobile home parks expected to generate 200 trips per day or more, there shall be at least two entrances from public streets or roads.

4) On-street parking shall be prohibited unless an eight-foot parking lane is provided, in which case on-street parking may be permitted on the side of the road where the parking lane is located. The parking lane shall not be included within the area of a mobile home park lot.

5) Curvilinear streets shall be utilized wherever possible. No street within the park shall be more than 200 feet without a curve or bend.

6) No mobile home lot may have vehicular access directly onto an arterial street.

C. Right-of-way and Pavement Width.

1) Two-way park roads shall have a minimum right-of-way of 23 feet and a minimum paved surface of 20 feet. On-street parking shall be prohibited, except on parking lanes if provided.

2) One-way streets shall have a minimum right-of-way of 18 feet and a minimum paved surface of 14 feet. On-street parking shall be prohibited, except on parking lanes if provided.

3) Parking lanes shall be a minimum of 8 feet in width and paved if provided.

4) Cul-de-sac turnarounds shall have a minimum radii of 50 feet at the outer edge of the pavement, exclusive of any parking areas.

7. Sidewalks/Walkways. The mobile home park shall contain pedestrian walkways that link all units and all service and recreational facilities. Such walkways shall be adequately surfaced and lit. A portion of the road surface may be reserved for

walkways provided the roadway width is increased accordingly. Walkways shall be a minimum width of 3 feet.

8. Ground Water. Mobile home parks not served by a public sewer shall comply with the following standards:
   A. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
   B. No mobile home park shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No mobile home park shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.
   C. If ground water contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
   D. If ground water contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

9. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Plan.
10. Storm Drainage. A storm drainage plan shall be prepared by a professional engineer showing ditching, culverts, storm drains, easements, and other proposed improvements sufficient to accommodate a 25-year storm.
11. Sanitary Standards, Sewage Disposal. All water carried sewage shall be disposed of by means of one of the following:
   A. A public sewer system. Any mobile home park located within 500 feet of an existing public sewer shall connect to that existing public sewer if the municipal system has the capacity to accept the volume of sewage to be produced by the mobile home park.
   B. A centralized private sewer system approved by the Department of Human Services, serving each mobile home lot in the mobile home park.
   C. Individual subsurface sewage systems meeting the requirements of the State Plumbing Code.
12. Utility Requirements. All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations.
13. Refuse Disposal. The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.
14. Lighting. Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. Lights shall be sized and directed to avoid adverse impact on adjacent properties.
15. Signs. Signs and advertising devices shall be prohibited in a mobile home park except:
   A. One (1) identifying sign at each entrance of the mobile home park no larger than

24 square feet which may be indirectly lit, but not flashing.

B. Directional and informational signs for the convenience of tenants and the public relative to parking, office, traffic movement, etc., including street name signs.

C. Mobile/manufactured home "for sale" signs, provided that such signs that face a public road shall be no more than 10 square feet and shall be limited to one sign per mobile home park lot.

D. Mobile/manufactured homes address signs. The styles and location of the identifying sign shall not interfere with vehicle sight distance and shall be constructed in accordance with the local sign regulations.

16. Storage. At least 300 cubic feet per lot of enclosed tenant storage facilities shall be conveniently provided near each mobile home lot for the storage of materials and equipment.

17. Fire Protection. Each lot or home sited on a lot shall be legibly marked for identification, and easily accessible to emergency vehicles (permitting fire apparatus to approach within 100 feet). The lot or home identification shall be clearly visible from the road.

Sec. 4-906 Conversion: Restrictions

No subdivision which is approved under this Article and Article IX (Subdivision Ordinance) as a mobile home park may be converted to another use without the approval of the Planning Board, and meeting the appropriate lot size, lot width, setback and other requirements. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval:

1. The land within the park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred.
2. No dwelling unit other than a manufactured housing unit shall be located within the park.
3. No person shall occupy a manufactured housing unit on a mobile home park lot without first obtaining an occupancy permit issued by the Code Enforcement Officer. The Code Enforcement Officer shall grant the occupancy permit after determining that all conditions of subdivision approval with respect to that mobile home park lot have been met.

Sec. 4-907 Liability for Violations: Regulations

The owner of the mobile home park or the applicant, its successor, or assigns shall be liable for violations of the conditions of subdivision approval for a mobile home park. Civil penalties for violations and other remedies shall be as provided in this Chapter or as provided by statute. The owner or applicant shall establish and enforce appropriate mobile home park regulations to assure compliance with such conditions, including off-street parking requirements on private roadways.

Sec. 4-908 Appeals

A decision of the Planning Board with respect to a subdivision for a mobile home park may be appealed directly to Superior Court within 30 days after the decision is rendered by order as provided in rule 80-B of the Maine Rules of Civil Procedure.

Sec. 4-909 Fees

Any applicable fees may be reviewed in Appendix 1 “Fee Schedule”.

Revised: June 28, 2014

ARTICLE 8 SWIMMING POOLS

Sec. 4-1001 Minimum Safety Requirements

1. It shall be unlawful to construct, maintain, install or enlarge any swimming pool except in compliance with this Article.
2. All outdoor swimming pools in the Town of Farmingdale shall be enclosed by a fence. The fence shall be a minimum of four (4) feet in height above the grade level and shall be constructed so that any horizontal opening shall not exceed four (4) inches. The fence must be of sturdy construction and all openings into the pool area shall be equipped with gates which are equipped with self closing and latching devices.

Sec. 4-1002 Definition of Swimming Pool

As defined in Article 2 of this Chapter.

Sec. 4-1003 Penalties

Violators who fail to comply with this Article within thirty (30) days after receiving warning will be fined $100 plus $10 for each day thereafter until such time as compliance with this Article is carried out.

Sec. 4-1004 Fees

Any applicable fees may be reviewed in Appendix 1 “Fee Schedule”.

Revised: June 28, 2014

ARTICLE 9 FLOODPLAIN MANAGEMENT

The enclosed Floodplain Management Ordinance is submitted as prepared by a State or Federal agency rather than as normally prepared by the established form and format guidelines intended for Farmingdale ordinances. This exception is necessary to facilitate future communication with others.

FOR THE TOWN OF FARMINGDALE, MAINE

For purposes of clarification,

ENACTED: June 25, 2011

EFFECTIVE: June 25, 2011

REVISED: December 16, 2013

60.3(d)
Prepared by SPO/jpp 12/27/2010

Format and text style revised by Town of Farmingdale. Contents not revised.

FLOODPLAIN MANAGEMENT ORDINANCE
CONTENTS

ARTICLE (The major sections are identified as Sections for other Ordinances)

I Purpose and Establishment

II Permit Required

III Application for Permit

IV Application Fee and Expert's Fee

V Review Standards for Flood Hazard Development

VI Development Standards

VII Certificate of Compliance

VIII Review of Subdivisions and Development Proposals

IX Appeals and Variances

X Enforcement and Penalties

XI Validity and Severability

XII Conflict With Other Ordinances

XIII Definitions

XIV Abrogation

60.3 (d) Rev. 4/09
(prepared by SPO/jpp 12/27/2010)

ARTICLE I. PURPOSE AND ESTABLISHMENT

A. Certain areas of the Town of Farmingdale, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

B Therefore, the Town of Farmingdale, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

C. It is the intent of the Town of Farmingdale, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

D. The Town of Farmingdale has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

E. The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Farmingdale having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Farmingdale, Maine.

F. The areas of special flood hazard, Zones A and AE for the Town of Farmingdale, Kennebec County, Maine, identified by the Federal Emergency Management Agency in a report entitled “Flood Insurance
Study – Kennebec County” dated June 16, 2011 with accompanying “Flood Insurance Rate Map” dated June 16, 2011 with panels:

494, 511, 512, 513, 514, 518, 519, 651, 652, 656, 657

derived from the county wide digital flood insurance rate map entitled “Digital Flood Insurance Rate Map, Kennebec County,” are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II PERMIT REQUIRED

Before any construction or other development (as defined in Article XIII), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Planning Board. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Farmingdale, Maine.

ARTICLE III APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Planning Board and shall include:

A. The name, address and phone number of the applicant, owner, and contractor;

B. An address and a map indicating the location of the construction site;

C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;

D. A statement of the intended use of the structure and/or development;

E. A statement of the cost of the development including all materials and labor;

F. A statement as to the type of sewage system proposed;

G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.2 apply only to new construction and substantial improvements.]

H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or to a locally established datum in Zone A only, of the:

1. base flood at the proposed site of all new or substantially improved structures, which is determined:

   a. in Zones AE, from data contained in the "Flood Insurance Study- Kennebec County," as described in Section 4-1201; or,

   b. in Zone A:

   1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to Article VI.K. and VIII.D.;

   2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,

   3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.

2. highest and lowest grades at the site adjacent to the walls of the proposed building;

3. lowest floor, including basement; and whether or not such structures contain a basement; and,

4. level, in the case of non-residential structures only, to which the structure will be floodproofed;

I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Section 4-1206;

J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;

K. The following certifications as required in Section 4-1206 by a registered professional engineer or architect:

1. a Floodproofing Certificate (FEMA Form 81-65, 03/09, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;

2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;

3. a certified statement that bridges will meet the standards of Article VI.M.;

4. a certified statement that containment walls will meet the standards of Article VI.N.;

L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,

M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee as provided in Section 4-104 E shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Planning Board and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

ARTICLE V. REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Planning Board shall:

A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all

pertinent requirements of Section 1206 (Development Standards) have been, or will be met;

B. Utilize, in the review of all Flood Hazard Development Permit applications:

1. the base flood and floodway data contained in the "Flood Insurance Study – Kennebec County, Maine," as described in Article I;

2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Planning Board shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Section 3.H.1.b.; Article VI.K.; and Section 1208.D., in order to administer Section 6 of this Ordinance; and,
3. when the community establishes a base flood elevation in a Zone A by methods outlined in Section 1203.H.1.b., the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.

C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Section 1 of this Ordinance;

D. In the review of Flood Hazard Development Permit applications, determine that a necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;

E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;

F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:

1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction , “as built”, for verifying compliance with the elevation requirements of Section 4-1206, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,

2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a.,b., and c. The application for this permit shall include a

Floodproofing Certificate signed by a registered professional engineer or architect; or,

3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.

G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

All developments in areas of special flood hazard shall meet the following applicable standards:

A. **All Development -** All development shall:

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. use construction materials that are resistant to flood damage;

3. use construction methods and practices that will minimize flood damage; and,

4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

B. **Water Supply -** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

C. **Sanitary Sewage Systems -** All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

D. **On Site Waste Disposal Systems -** On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. **Watercourse Carrying Capacity -** All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

F. **Residential -** New construction or substantial improvement of any residential structure located within:

1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.

2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.

G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:

1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:

   a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;

   b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

   c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.

2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D., or

   a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.

H. **Manufactured Homes** - New or substantially improved manufactured homes located within:

1. Zones AE shall:

   a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;

b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,

c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

(1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,

(2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).

(3) all components of the anchoring system described in Article VI.H.1.c.(1)&(2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

a. be elevated on a permanent foundation, as described in Article VI.H.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.; and

b. meet the anchoring requirements of Article VI.H.1.c.

I. **Recreational Vehicles** - Recreational Vehicles located within:

1. Zones A and AE shall either:

a. be on the site for fewer than 180 consecutive days,

b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,

c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.H.1.

J. **Accessory Structures** - Accessory Structures, as defined in Article XIII, located within Zones AE and A, shall be exempt from the elevation criteria required in Article VI.F. & G. above, if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:

1. be 500 square feet or less and have a value less than $3000;

2. have unfinished interiors and not be used for human habitation;

3. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;

4. be located outside the floodway;

5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,

6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. **Floodways -**

1. In Zones AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's "Flood Insurance Rate Map" unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. In Zones AE and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

b. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," *Flood Insurance Study - Guidelines and Specifications for Study Contractors*, (FEMA 37/ January 1995, as amended).

3. In Zones AE and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

L. **Enclosed Areas Below the Lowest Floor -** New construction or substantial improvement of any structure in Zones AE and A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in Article XIII;

2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:

   a. be engineered and certified by a registered professional engineer or architect; or,

   b. meet or exceed the following minimum criteria:

      (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;

      (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,

      (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;

   3. The enclosed area shall not be used for human habitation; and,

   4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

M. **Bridges** - New construction or substantial improvement of any bridge in Zones AE and A shall be designed such that:

   1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and

   2. a registered professional engineer shall certify that:

      a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and

      b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

N. **Containment Walls -** New construction or substantial improvement of any containment wall located within:

   1. Zones AE and A shall:

      a. have the containment wall elevated to at least one foot above the base flood elevation;

b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

O. **Wharves, Piers and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones AE and A, in and over water and seaward of the mean high tide if the following requirements are met:

1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and

2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

ARTICLE VII - CERTIFICATE OF COMPLIANCE

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer, an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, or H.

B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.

C. Within 10 working days, the Code Enforcement Officer shall:

1. review the Elevation Certificate and the applicant's written notification; and,

2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

A. All such proposals are consistent with the need to minimize flood damage.

B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

C. Adequate drainage is provided so as to reduce exposure to flood hazards.

D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE IX - APPEALS AND VARIANCES

The Board of Appeals of the Town of Farmingdale may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

B. Variances shall be granted only upon:

1. a showing of good and sufficient cause; and,

2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,

3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,

4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:

a. that the land in question cannot yield a reasonable return unless a variance is granted; and,

b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,

c. that the granting of a variance will not alter the essential character of the locality; and,

d. that the hardship is not the result of action taken by the applicant or a prior owner.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.

D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:

1. other criteria of Article IX and Article VI.K. are met; and,

2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:

1. the development meets the criteria of Article IX, paragraphs A. through D. above; and,

2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

F. Any applicant who meets the criteria of Article IX, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:

1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage;

2. such construction below the base flood level increases risks to life and property; and,

3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may

have against the municipality that are related to the use of land located in a floodplain.

G. Appeal Procedure for Administrative and Variance Appeals

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.

2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.

4. The person filing the appeal shall have the burden of proof.

5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.

6. The Board of Appeals shall submit to the Planning Board a report of all variance actions, including justification for the granting of the variance and an authorization for the Planning Board to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

ARTICLE X - ENFORCEMENT AND PENALTIES

A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.

B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.

C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, may submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;

1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;

3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;

4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,

5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI - VALIDITY AND SEVERABILITY

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

ARTICLE XIII - DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

1. Accessory Structure - means a small detached structure that is incidental and subordinate to the principal structure.
2. Adjacent Grade - means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
3. Area of Special Flood Hazard - means the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.
4. Base Flood - means the flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.
5. Basement - means any area of the building having its floor subgrade (below ground level) on all sides.
6. Building - see Structure.
7. Certificate of Compliance - A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.
8. Code Enforcement Officer - A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinance.
9. Development - means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

10. Elevated Building - means a non-basement building
    a. built, in the case of a building in Zones AE or A, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
    b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones AE or A, Elevated Building also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L..

11. Elevation Certificate - An official form (FEMA Form 81-31, 03/09, as amended) that:
    a. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
    b. is required for purchasing flood insurance.
12. Flood or Flooding - means:
    a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
       1. The overflow of inland or tidal waters.

       2. The unusual and rapid accumulation or runoff of surface waters from any source.

    b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

13. Flood Elevation Study - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.
14. Flood Insurance Rate Map (FIRM) - means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.
15. Flood Insurance Study - see Flood Elevation Study.
16. Floodplain or Flood-prone Area - means any land area susceptible to being inundated by water from any source (see flooding).
17. Floodplain Management - means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
18. Floodplain Management Regulations - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

19. Floodproofing - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.
20. Floodway - see Regulatory Floodway.
21. Floodway Encroachment Lines - mean the lines marking the limits of floodways on federal, state, and local floodplain maps.
22. Freeboard - means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.
23. Functionally Dependent Use - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
24. Historic Structure - means any structure that is:
    a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

    b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

    c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

    d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

        1. By an approved state program as determined by the Secretary of the Interior, or

        2. Directly by the Secretary of the Interior in states without approved programs.
25. Locally Established Datum - means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.
26. Lowest Floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.L. of this ordinance.

27. Manufactured Home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

28. Manufactured Home Park or Subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

29. Mean Sea Level - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

30. Minor Development - means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

31. National Geodetic Vertical Datum (NGVD) - means the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called “1929 Mean Sea Level (MSL)”.

32. New Construction - means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

33. North American Vertical Datum (NAVD)- means the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth’s crust, glacial rebound, and subsidence and the increasing use of satellite technology.

34. 100-year flood - see Base Flood.

35. Recreational Vehicle - means a vehicle which is:

    a. built on a single chassis;

    b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;

    c. designed to be self-propelled or permanently towable by a motor vehicle; and

    d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

36. Regulatory Floodway -

a. means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and

b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

37. Riverine - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

38. Special Flood Hazard Area - see Area of Special Flood Hazard.

39. Start of Construction - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

40. Structure - means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

41. Substantial Damage - means, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

42. Substantial Improvement - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

43. Variance - means a grant of relief by a community from the terms of a floodplain management regulation.

44. Violation - means the failure of a structure or development to comply with a community's floodplain management regulations.

ARTICLE XIV - ABROGATION

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

60.3 (d) Rev. 4/09
Prepared by SPO/jpp 12/27/2010

Effective Date: June 25, 2011.

ARTICLE 10 SHORELAND ZONING

The enclosed Shoreland Zoning Ordinance is submitted as prepared by a State or Federal agency rather than as normally prepared by the established form and format guidelines intended for Farmingdale ordinances. This exception is necessary to facilitate future communication with others.

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, ME 04333

DEPARTMENT ORDER

IN THE MATTER OF

FARMINGDALE	) MANDATORY SHORELAND ZONING ACT
KENNEBEC COUNTY	) 38 M.R.S. § 438-A (3)
SHORELAND ZONING ORDINANCE	)
ORDER #31-2013	) APPROVAL

Pursuant to the provisions of 38 M.R.S. §§ 435-448, The Mandatory Shoreland Zoning Act (Act), and, the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances, 06-096 C.M.R. Chapter 1000 (amended May 5, 2012) (Guidelines), the Department of Environmental Protection has considered the Town of Farmingdale's Shoreland Zoning Ordinance and Shoreland Zoning Map (Ordinance & Map), as Adopted on June 22, 2013, and FINDS THE FOLLOWING FACTS:

1. The Act requires municipalities to establish zoning controls in areas within 250 feet of the normal high-water line of great ponds and rivers; within 250 feet of the upland edge of freshwater and coastal wetlands; and within 75 feet of the normal high-water line of streams. Such zoning standards must be consistent with or no less restrictive than those in the Guidelines, as adopted by the Board of Environmental Protection (Board).

2. The Act specifies that before a locally adopted shoreland zoning ordinance, or amendments to that ordinance, is/are effective, it must be approved by the Commissioner of the Department of Environmental Protection (Department). The Department may approve, approve with conditions, or disapprove the ordinance or amendment. If disapproved, or approved with conditions, such action must be preceded by notice to the municipality. If the Department fails to act within 45 days of its receipt of the ordinance or amendment, then the ordinance or amendment is automatically approved.

3. On October 31, 2013, the Town of Farmingdale submitted their Ordinance and Map for Department review.

4. The Town of Farmingdale submitted their Ordinance and Map to replace their State Imposed Ordinance which has been in effect since December 14, 1994.

5. The Department's review of the Ordinance and Map determined that they are consistent with the Act and the Guidelines.

BASED on the above Findings of Fact, the Department makes the following CONCLUSIONS:

TOWN OF FARMIINGDALE	) MANDATORY SHORELAND ZONING ACT
KENNEBEC COUNTY	) 38 M.R.S. §§ 435-448
SHORELAND ZONING ORDINANCE	)
ORDER # 31-2013	) APPROVAL

1. The Town of Farmingdale (municipality) has adequately met the requirements of the Act, and the Ordinance and Map are consistent with the Guidelines.

2. The State imposed ordinance Chapter #1294 is moot and no longer in effect, because the Ordinance and Map adequately addresses the conditions contained in that Chapter.

THEREFORE, the Department APPROVES the Ordinance and Map, as Adopted on June 22, 2013.

DONE AND DATED AT AUGUSTA, MAINE, THIS 16TH DAY OF DECEMBER, 2013.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Kuhns
FOR: Patricia W. Aho, Commissioner

Filed
DEC 16 2013
State of Maine
Board of Environmental Protection

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES…

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Chapter 1000: GUIDELINES FOR MUNICIPAL SHORELAND ZONING ORDINANCES

Shoreland Zoning Ordinance for the Municipality of Farmingdale

1. **Purposes.** The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

2. **Authority.** This Ordinance has been prepared in accordance with the provisions of Title 38 sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

3. **Applicability.** This Ordinance applies to all land areas within 250 feet, horizontal distance, of the

   - normal high-water line of any great pond or river,
   - upland edge of a coastal wetland, including all areas affected by tidal action, or
   - upland edge of a freshwater wetland,

   and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

   This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

4. **Effective Date**

   A. **Effective Date of Ordinance and Ordinance Amendments.** This Ordinance, which was adopted by the municipal legislative body on June 22, 2013, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

   Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

   B. **Sections 15(O) and 15(O-1).** Section 15(O) is repealed on the statutory date established under 38 M.R.S.A. section 438-A(5), at which time Section 15(O-1) shall become effective. Until such time as Section 15(O) is repealed, Section 15(O-1) is not in effect.

5. **Availability.** A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

6. **Severability.** Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

7. **Conflicts with Other Ordinances.** Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.

8. **Amendments.** This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

9. **Districts and Zoning Map**

   A. **Official Shoreland Zoning Map.** The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:

      (1) Resource Protection
      (2) Limited Residential
      (3) Limited Commercial
      (4) General Development I
      (5) General Development II (Not Applicable)
      (6) Commercial Fisheries/Maritime Activities (Not Applicable)
      (7) Stream Protection

   B. **Scale of Map.** The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

   C. **Certification of Official Shoreland Zoning Map.** The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.

   D. **Changes to the Official Shoreland Zoning Map.** If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

10. **Interpretation of District Boundaries.** Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

11. **Land Use Requirements.** Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

12. **Non-conformance**

A. **Purpose.** It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. **General**

(1) **Transfer of Ownership**. Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

(2) **Repair and Maintenance**. This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

C. **Non-conforming Structures**

(1) **Expansions**. A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.

[Alternatively, a municipality may, by local ordinance, regulate expansions of non-conforming structures in accordance with Appendix A, *Alternative to 30% Expansion Rule Pursuant to 38 M.R.S.A Section 439-A*. In adopting the alternative provisions contained in Appendix A, a municipality may choose not to include the "special expansion allowance" provision contained in paragraphs (1-A), (1-B), and (1-C) of Appendix A.]

(a) After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure

conforms with the requirements of Section 12(C)(3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.

(b) Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(2) Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

(2) **Relocation**. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

(a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

(b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

(3) **Reconstruction or Replacement**. Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(2) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 12(C)(2) above, the physical condition and type of foundation present, if any.

(4) **Change of Use of a Non-conforming Structure**. The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

D. Non-conforming Uses

(1) **Expansions**. Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12(C)(1)(a) above.

(2) **Resumption Prohibited**. A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

(3) **Change of Use**. An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, including water dependent uses in the CFMA district, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(4) above.

E. Non-conforming Lots

(1) **Non-conforming Lots**: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

(2) **Contiguous Built Lots**: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

(3) **Contiguous Lots - Vacant or Partially Built**: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

(a) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

(b) Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

13. Establishment of Districts

A. Resource Protection District. The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial, General Development I, or Commercial Fisheries/Maritime Activities Districts need not be included within the Resource Protection District.

(1) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

(2) Areas of two or more contiguous acres with sustained slopes of 20% or greater.

(3) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

(4) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

B. Limited Residential District. The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District, the General Development Districts, or the Commercial Fisheries/Maritime Activities District.

C. **Limited Commercial District.** The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development Districts. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. **General Development I District.** The General Development I District includes the following types of existing, intensively developed areas:

(1) Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:

(a) Areas devoted to manufacturing, fabricating or other industrial activities;

(b) Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and

(c) Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.

(2) Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

E. **General Development II District.** The General Development II District includes the same types of areas as those listed for the General Development I District. The General Development II District, however, shall be applied to newly established General Development Districts where the pattern of development at the time of adoption is undeveloped or not as intensively developed as that of the General Development I District.

Portions of the General Development District I or II may also include residential development. However, no area shall be designated as a General Development I or II District based solely on residential use.

In areas adjacent to great ponds classified GPA and adjacent to rivers flowing to great ponds classified GPA, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds classified GPA, and adjacent to rivers that flow to great ponds classified GPA.

F. **Commercial Fisheries/Maritime Activities District.** The Commercial Fisheries/Maritime Activities District includes areas where the existing predominant pattern of development is consistent with the allowed uses for this district as indicated in the Table of Land Uses, Section 14, and other areas which are suitable for functionally water-dependent uses, taking into consideration such factors as:

(1) Shelter from prevailing winds and waves;

(2) Slope of the land within 250 feet, horizontal distance, of the shoreline;

(3) Depth of the water within 150 feet, horizontal distance, of the shoreline;

(4) Available support facilities including utilities and transportation facilities; and

(5) Compatibility with adjacent upland uses.

G. Stream Protection District. The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

14. Table of Land Uses. All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)

No - Prohibited

PB - Allowed with permit issued by the Planning Board.

CEO - Allowed with permit issued by the Code Enforcement Officer

LPI - Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

RP - Resource Protection

LR - Limited Residential

LC - Limited Commercial

GD General Development I and General Development II

CFMA - Commercial Fisheries/Maritime Activities

SP - Stream Protection

The following notes are applicable to the Land Uses Table on the following page:

TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICT					
	SP	RP	LR	LC	GD	CFMA
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes	yes
3. Forest management activities except for timber harvesting & land management roads	yes	yes	yes	yes	yes	yes
4. Timber harvesting	yes	CEO	yes	yes	yes	yes
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO[1]	yes	yes	yes	yes
6. Fire prevention activities	yes	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes	yes
9. Mineral exploration	no	yes[2]	yes[2]	yes[2]	yes[2]	yes[2]
10. Mineral extraction including sand and gravel extraction	no	PB[3]	PB	PB	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes	yes	yes
13. Agriculture	yes	PB	yes	yes	yes	yes
14. Aquaculture	PB	PB	PB	yes	yes	yes
15. Principal structures and uses						
A. One and two family residential, including driveways	PB[4]	PB[9]	CEO	CEO	CEO	no
B. Multi-unit residential	no	no	PB	PB	PB	no
C. Commercial	no	no[10]	no[10]	PB	PB	PB[5]
D. Industrial	no	no	no	no	PB	PB[5]
E. Governmental and institutional	no	no	PB	PB	PB	PB[5]
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB[4]	PB	CEO	CEO	CEO	PB[5]
16. Structures accessory to allowed uses	PB[4]	PB	CEO	CEO	yes	yes
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland						
a. Temporary	CEO[11]	CEO[11]	CEO[11]	CEO[11]	CEO[11]	CEO[11]
b. Permanent	PB	PB	PB	PB	PB	PB[5]
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI	no
19. Home occupations	PB	PB	PB	CEO	yes	yes
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI	LPI
21. Essential services	PB[6]	PB[6]	PB	PB	PB	PB
A. Roadside distribution lines (34.5kV and lower)	CEO[6]	CEO[6]	yes[12]	yes[12]	yes[12]	yes[12]
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB[6]	PB[6]	CEO	CEO	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB[6]	PB[6]	PB	PB	PB	PB
D. Other essential services	PB[6]	PB[6]	PB	PB	PB	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO	CEO[5]
24. Individual, private campsites	CEO	CEO	CEO	CEO	CEO	CEO
25. Campgrounds	no	no[7]	PB	PB	PB	no
26. Road construction	PB	no[8]	PB	PB	PB	PB[5]
27. Land management roads	yes	PB	yes	yes	yes	yes
28. Parking facilities	no	no[7]	PB	PB	PB	PB[5]
29. Marinas	PB	no	PB	PB	PB	PB
30. Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes	yes
31. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO
32. Signs	yes	yes	yes	yes	yes	yes
33. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
35. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB

[1] In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
[2] Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
[3] In RP not allowed in areas so designated because of wildlife value.
[4] Provided that a variance from the setback requirement is obtained from the Board of Appeals.
[5] Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).
[6] See further restrictions in Section 15(L)(2).
[7] Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.
[8] Except as provided in Section 15(H)(4).
[9] Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special Exceptions. Two-family residential structures are prohibited.
[10] Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.
[11] Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
12 Permit not required but must file a written "notice of intent to construct" with *CEO*.

NOTE: Item 17, in its entirety, should be deleted from Table 1 if a municipality elects not to regulate "piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland".

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
B. Draining or otherwise dewatering;
C. Filling, including adding sand or other material to a sand dune; or
D. Any construction or alteration of any permanent structure.

15. Land Use Standards. All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
(1)		
(a) Residential per dwelling unit		
(i) Within the Shoreland Zone Adjacent to Tidal Areas	30,000	150
(ii) Within the Shoreland Zone Adjacent to Non-Tidal Areas	40,000	200
(b) Governmental, Institutional, Commercial or Industrial per principal structure		
(i) Within the Shoreland Zone Adjacent to Tidal Areas, Exclusive of Those Areas Zoned for Commercial Fisheries and Maritime Activities	40,000	200
(ii) Within the Shoreland Zone Adjacent to Tidal Areas Zoned for Commercial Fisheries and Maritime Activities	NONE	NONE
(iii) Within the Shoreland Zone Adjacent to Non-tidal Areas	60,000	300
(c) Public and Private Recreational Facilities		
(i) Within the Shoreland Zone Adjacent to Tidal and Non-Tidal Areas	40,000	200

(2) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

(3) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

(4) The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

(5) If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

B. Principal and Accessory Structures

(1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development I District the setback from the normal high-water line shall be at least twenty five (25) feet, horizontal distance, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

(a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

(b) All principal structures along Significant River Segments as listed in 38 M.R.S.A. section 437 (see Appendix B), shall be set back a minimum of one hundred and twenty-five (125) feet, horizontal distance, from the normal high-water line and shall be screened from the river by existing vegetation. This provision does not apply to structures related to hydropower facilities.

(c) For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant to its "Classification of Coastal Bluffs" and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a "highly unstable" or "unstable" bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a

determination. If agreement is still not reached, the applicant may appeal the matter to the board of appeals.

(d) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

(2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

(3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

(4) The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the General Development District adjacent to tidal waters and rivers that do not flow to great ponds classified GPA, and in the Commercial Fisheries/Maritime Activities District, where lot coverage shall not exceed seventy (70) percent.

(5) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

(a) The site has been previously altered and an effective vegetated buffer does not exist;

(b) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;

(c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

(d) The total height of the wall(s), in the aggregate, are no more than 24 inches;

(e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.

(f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

(g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

(i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;

(ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

(iii) Only native species may be used to establish the buffer area;

(iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

(v) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;

(6) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland.

(1) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

(2) The location shall not interfere with existing developed or natural beach areas.

(3) The facility shall be located so as to minimize adverse effects on fisheries.

(4) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.

(5) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

(6) New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

(7) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

(8) Except in the General Development Districts and Commercial Fisheries/Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

D. Campgrounds. Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

(1) Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

(2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual Private Campsites. Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

(1) One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

(2) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

(3) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

(4) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

(5) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

(6) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses. The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

(1) Auto washing facilities

(2) Auto or other vehicle service and/or repair operations, including body shops

(3) Chemical and bacteriological laboratories

(4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms

(5) Commercial painting, wood preserving, and furniture stripping

(6) Dry cleaning establishments

(7) Electronic circuit assembly

(8) Laundromats, unless connected to a sanitary sewer

(9) Metal plating, finishing, or polishing

(10) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas

(11) Photographic processing

(12) Printing

G. Parking Areas

(1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, except that in the Commercial Fisheries/Maritime Activities District parking areas shall be set back at least twenty-five (25) feet, horizontal distance, from the shoreline. The setback requirement for parking areas serving public boat launching facilities in Districts other than the General Development I District and Commercial Fisheries/Maritime Activities District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

(2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.

(3) In determining the appropriate size of proposed parking facilities, the following shall apply:

(a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

(b) Internal travel aisles: Approximately twenty (20) feet wide.

H. Roads and Driveways. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

(1) Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 15 (H)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

(2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.

(3) New permanent roads are not allowed within the shoreland zone along Significant River Segments except:

(a) To provide access to structures or facilities within the zone; or

(b) When the applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

(4) New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

(5) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(Q).

(6) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

(7) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

(8) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

(a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 +	40

(b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

(c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

(d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

(9) Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

I **Signs.** The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts:

(1) Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

(2) Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.

(3) Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.

(4) Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

(5) Signs relating to public safety shall be allowed without restriction.

(6) No sign shall extend higher than twenty (20) feet above the ground.

(7) Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

(1) All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

(2) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

K. Septic Waste Disposal

(1) All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the shoreland zone.

L. Essential Services

(1) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

(2) The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

(3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

M. Mineral Exploration and Extraction. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

(1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(4) below.

(2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.

(3) Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.

(4) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

(a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

(b) The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.

(c) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

(5) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

(1) All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).

(2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

(3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

(4) There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies and coastal wetlands; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

(5) Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies and coastal wetlands, nor; within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

O. Timber Harvesting

(1) In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:

(a) Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:

(1) The ground is frozen;
(2) There is no resultant soil disturbance;
(3) The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;
(4) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 ½ feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and
(5) A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.

(b) Beyond the 75 foot strip referred to in Section 15(O)(1)(a) above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 4 ½ inches in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.

(2) Except in areas as described in Section 15(O)(1) above, timber harvesting shall conform with the following provisions:

(a) Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:

(i) Within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of

other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

(ii) At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.

(b) Timber harvesting operations exceeding the 40% limitation in Section 15(O)(2)(a) above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.

(c) No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.

(d) Timber harvesting equipment shall not use stream channels as travel routes except when:

(i) Surface waters are frozen; and

(ii) The activity will not result in any ground disturbance.

(e) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

(f) Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

(g) Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward

the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

O-1. Timber Harvesting – Statewide Standards [Effective on effective date established in Section 4(B)]

(1) **Shoreline integrity and sedimentation**. Persons conducting timber harvesting and related activities must take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands occurs, such conditions must be corrected.

(2) **Slash treatment**. Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high-water line of any water body or tributary stream, or the upland edge of a wetland. Section 15(O-1)(2) does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.

(a) Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil, may be left in place, provided that no part thereof extends more than 4 feet above the ground.

(b) Adjacent to great ponds, rivers and wetlands:

(i) No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high-water line or upland edge of a wetland; and

(ii) Between 50 feet and 250 feet, horizontal distance, of the normal high-water line or upland edge of a wetland, all slash larger than 3 inches in diameter must be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.

(3) Timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained. This requirement may be satisfied by following one of the following three options:

(a) **Option 1 (40% volume removal)**, as follows:

(i) Harvesting of no more than 40 percent of the total volume on each acre of trees 4.5 inches DBH or greater in any 10 year period is allowed. Volume may be considered to be equivalent to basal area;

(ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,

(iii) Within 75 feet, horizontal distance, of the normal high-water line of rivers, streams, and great ponds, and within 75 feet, horizontal distance, of the upland edge of a

freshwater or coastal wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of total volume removal. Volume may be considered equivalent to basal area.

(b) **Option 2 (60 square foot basal area retention)**, as follows:

(i) The residual stand must contain an average basal area of at least 60 square feet per acre of woody vegetation greater than or equal to 1.0 inch DBH, of which 40 square feet per acre must be greater than or equal to 4.5 inches DBH;

(ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,

(iii) Within 75 feet, horizontal distance, of the normal high-water line of water bodies and within 75 feet, horizontal distance, of the upland edge of wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond, or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of the average basal area. Volume may be considered equivalent to basal area.

(c) **Option 3 (Outcome based)**, which requires: An alternative method proposed in an application, signed by a Licensed Forester or certified wildlife professional, submitted by the landowner or designated agent to the State of Maine Department of Conservation's Bureau of Forestry (Bureau) for review and approval, which provides equal or better protection of the shoreland area than this rule.

Landowners must designate on the Forest Operations Notification form required by 12 M.R.S.A. chapter 805, subchapter 5 which option they choose to use. If landowners choose Option 1 or Option 2, compliance will be determined solely on the criteria for the option chosen. If landowners choose Option 3, timber harvesting and related activities may not begin until the Bureau has approved the alternative method.

The Bureau may verify that adequate tree cover and a well-distributed stand of trees is retained through a field procedure that uses sample plots that are located randomly or systematically to provide a fair representation of the harvest area.

(4) **Skid trails, yards, and equipment operation**. This requirement applies to the construction, maintenance, and use of skid trails and yards in shoreland areas.

(a) Equipment used in timber harvesting and related activities shall not use river, stream or tributary stream channels as travel routes except when surface waters are frozen and snow covered, and the activity will not result in any ground disturbance.

(b) Skid trails and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a water body, tributary stream, or wetland. Upon termination of their use, skid trails and yards must be stabilized.

(c) **Setbacks**:

(i) Equipment must be operated to avoid the exposure of mineral soil within 25 feet, horizontal distance, of any water body, tributary stream, or wetland. On slopes of 10 percent or greater, the setback for equipment operation must be increased by 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent. Where slopes fall away from the resource, no increase in the 25-foot setback is required.

(ii) Where such setbacks are impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(5) **Land Management Roads**. Land management roads, including approaches to crossings of water bodies, tributary stream channels, and freshwater wetlands, ditches and other related structures, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the water body, tributary stream or wetland. Surface water on or adjacent to water crossing approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse or wetland. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established in accordance with the setback requirements in Section 15(O-1)(7) of this rule.

(a) Land management roads and associated ditches, excavation, and fill must be set back at least:

(i) 100 feet, horizontal distance, from the normal high-water line of a great pond, river or freshwater or coastal wetland;

(ii) 50 feet, horizontal distance, from the normal high-water line of streams; and

(iii) 25 feet, horizontal distance, from the normal high-water line of tributary streams

(b) The minimum 100 foot setback specified in Section 15(O-1)(5)(a)(i) above may be reduced to no less than 50 feet, horizontal distance, and the 50 foot setback specified in Section 15(O-1)(5)(a)(ii) above may be reduced to no less than 25 feet, horizontal distance, if, prior to construction, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(c) On slopes of 10 percent or greater, the land management road setback must be increased by at least 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent.

(d) New land management roads are not allowed within the shoreland area along Significant River Segments as identified in 38 M.R.S.A. section 437, nor in a Resource Protection District, unless, prior to construction, the landowner or the landowner's designated agent makes a clear demonstration to the Planning Board's satisfaction that no reasonable alternative route exists outside the shoreland zone, and that the new road must be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

(e) Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads must be maintained on a regular basis to assure effective functioning. Drainage structures shall deliver a dispersed flow of water into an unscarified filter strip no less than the width indicated in the setback requirements in Section 15(O-1)(7). Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream, or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(f) **Road closeout and discontinuance**. Maintenance of the water control installations required in Section 15(O-1)(5)(e) must continue until use of the road is discontinued and the road is put to bed by effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending a sufficient distance beyond the traveled way so that water does not reenter the road surface.

(g) **Upgrading existing roads**. Extension or enlargement of presently existing roads must conform to the provisions of Section 15(O-1). Any nonconforming existing road may continue to exist and to be maintained, as long as the nonconforming conditions are not made more nonconforming.

(h) **Exception**. Extension or enlargement of presently existing roads need not conform to the setback requirements of Section 15(O-1)(5)(a) if, prior to extension or enlargement, the

landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(i) **Additional measures**. In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of roads and river, stream and tributary stream crossings must take reasonable measures to avoid sedimentation of surface waters.

(6) **Crossings of waterbodies**. Crossings of rivers, streams, and tributary streams must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.

(a) **Determination of flow**. Provided they are properly applied and used for the circumstances for which they are designed, methods including but not limited to the following are acceptable as a means of calculating the 10 year and 25 year frequency water flows and thereby determining water crossing sizes as required in Section 15(O-1): The United States Geological Survey (USGS) Methods; specifically: Hodgkins, G. 1999. Estimating the Magnitude of Peak Flows for Streams in Maine for Selected Recurrence Intervals. U.S. Geological Survey. Water Resources Investigations Report 99-4008. 45 pp.

(b) **Upgrading existing water crossings**. Extension or enlargement of presently existing water crossings must conform to the provisions of Section 15(O-1). Any nonconforming existing water crossing may continue to exist and be maintained, as long as the nonconforming conditions are not made more nonconforming; however, any maintenance or repair work done below the normal high-water line must conform to the provisions of Section 15(O-1).

(c) **Other Agency Permits**. Any timber harvesting and related activities involving the design, construction, and maintenance of crossings on waterbodies other than a river, stream or tributary stream may require a permit from the Land Use Regulation Commission, the Department of Environmental Protection, or the US Army Corps of Engineers.

(d) Any timber harvesting and related activities involving the design, construction, and maintenance of crossings of freshwater wetlands identified by the Department of Inland Fisheries and Wildlife as essential wildlife habitat require prior consultation with the Department of Inland Fisheries and Wildlife.

(e) **Notice to Bureau of Forestry**. Written notice of all water crossing construction maintenance, alteration and replacement activities in shoreland areas must be given to the Bureau prior to the commencement of such activities. Such notice must contain all information required by the Bureau, including:

(i) a map showing the location of all proposed permanent crossings;
(ii) the GPS location of all proposed permanent crossings;
(iii) for any temporary or permanent crossing that requires a permit from state or federal agencies, a copy of the approved permit or permits; and

(iv) a statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained, and closed out in accordance with the requirements of this Section.

(f) **Water crossing standards**. All crossings of rivers require a bridge or culvert sized according to the requirements of Section 15(O-1)(6)(g)) below. Streams and tributary streams may be crossed using temporary structures that are not bridges or culverts provided:

(i) concentrated water runoff does not enter the stream or tributary stream;
(ii) sedimentation of surface waters is reasonably avoided;
(iii) there is no substantial disturbance of the bank, or stream or tributary stream channel;
(iv) fish passage is not impeded; and,
(v) water flow is not unreasonably impeded.

Subject to Section 15(O-1)(6)(f)(i-v) above, skid trail crossings of streams and tributary streams when channels of such streams and tributary streams are frozen and snow-covered or are composed of a hard surface which will not be eroded or otherwise damaged are not required to use permanent or temporary structures.

(g) **Bridge and Culvert Sizing**. For crossings of river, stream and tributary stream channels with a bridge or culvert, the following requirements apply:

(i) Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate 10 year frequency water flows or with a cross-sectional area at least equal to 2 1/2 times the cross-sectional area of the river, stream, or tributary stream channel.

(ii) Temporary bridge and culvert sizes may be smaller than provided in Section 15(O-1)(6)(g)(i) if techniques are effectively employed such that in the event of culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the water body or tributary stream is avoided. Such crossing structures must be at least as wide as the channel and placed above the normal high-water line. Techniques may include, but are not limited to, the effective use of any, a combination of, or all of the following:

1. use of temporary skidder bridges;
2. removing culverts prior to the onset of frozen ground conditions;
3. using water bars in conjunction with culverts;
4. using road dips in conjunction with culverts.

(iii) Culverts utilized in river, stream and tributary stream crossings must:

1. be installed at or below river, stream or tributary stream bed elevation;
2. be seated on firm ground;
3. have soil compacted at least halfway up the side of the culvert;
4. be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
5. have a headwall at the inlet end which is adequately stabilized by riprap

or other suitable means to reasonably avoid erosion of material around the culvert.

(iv) River, stream and tributary stream crossings allowed under Section 15(O-1), but located in flood hazard areas (i.e. A zones) as identified on a community's Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM), must be designed and constructed under the stricter standards contained in that community's National Flood Insurance Program (NFIP). For example, a water crossing may be required to pass a 100-year flood event.

(v) **Exception**. Skid trail crossings of tributary streams within shoreland areas and wetlands adjacent to such streams may be undertaken in a manner not in conformity with the requirements of the foregoing subsections provided persons conducting such activities take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands occurs, such conditions must be corrected.

(h) **Skid trail closeout**. Upon completion of timber harvesting and related activities, or upon the expiration of a Forest Operations Notification, whichever is earlier, the following requirements apply:

(i) Bridges and culverts installed for river, stream and tributary stream crossings by skid trails must either be removed and areas of exposed soil stabilized, or upgraded to comply with the closeout standards for land management roads in Section15(O-1)(6)(i) below.

(ii) Water crossing structures that are not bridges or culverts must either be removed immediately following timber harvesting and related activities, or, if frozen into the river, stream or tributary stream bed or bank, as soon as practical after snowmelt.

(iii) River, stream and tributary stream channels, banks and approaches to crossings of water bodies and tributary streams must be immediately stabilized on completion of harvest, or if the ground is frozen and/or snow-covered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(i) **Land management road closeout**. Maintenance of the water control features must continue until use of the road is discontinued and the road is put to bed by taking the following actions:

(i) Effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to reasonably avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not reenter the road surface.

(ii) Water crossing structures must be appropriately sized or dismantled and removed in a manner that reasonably avoids sedimentation of the water body or tributary stream.

(iii) Any bridge or water crossing culvert in roads to be discontinued shall satisfy one of the following requirements:

1. it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;
2. it shall be designed to provide an opening with a cross-sectional area at least 3 1/2 times the cross-sectional area of the river, stream or tributary stream channel; or
3. it shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the river, stream or tributary stream.

If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(7) Slope Table

Filter strips, skid trail setbacks, and land management road setbacks must be maintained as specified in Section 15(O-1), but in no case shall be less than shown in the following table.

Average slope of land between exposed mineral soil and the shoreline (percent)	Width of strip between exposed mineral soil and shoreline (feet along surface of the ground)
0	**25**
10	**45**
20	**65**
30	**85**
40	**105**
50	**125**
60	**145**
70	**165**

P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

(1) In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

(2) Except in areas as described in Section P(1), above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

(a) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

(b) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2 - < 4 in.	1
4 – <8 in.	2
8-< 12 in.	4
12 in. or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

The following shall govern in applying this point system:

(i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
(ii) Each successive plot must be adjacent to, but not overlap a previous plot;
(iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
(iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;
(v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(P)(2)(b) "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

(c) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall

not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.

(d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

(e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

Section 15(P)(2) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

(3) At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision shall not apply to the General Development or Commercial Fisheries/Maritime Activities Districts.

(4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

(5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).

Q. Erosion and Sedimentation Control

(1) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

(a) Mulching and revegetation of disturbed soil.

(b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

(c) Permanent stabilization structures such as retaining walls or rip-rap.

(2) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be

required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

(3) Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

(4) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

(a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

(b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

(c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

(5) Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

R. Soils. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

S. Water Quality. No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.

T. Archaeological Site. Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days

prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

16. Administration

A. Administering Bodies and Agents

(1) **Code Enforcement Officer**. A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.

(2) **Board of Appeals**. A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. section 2691.

(3) **Planning Board**. A Planning Board shall be created in accordance with the provisions of State law.

B. Permits Required. After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

(1) A permit is not required for the replacement of an existing road culvert as long as:

(a) The replacement culvert is not more than 25% longer than the culvert being replaced;

(b) The replacement culvert is not longer than 75 feet; and

(c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.

(2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

(3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application

(1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.

(2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

(3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

(4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits. Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

(1) Will maintain safe and healthful conditions;

(2) Will not result in water pollution, erosion, or sedimentation to surface waters;

(3) Will adequately provide for the disposal of all wastewater;

(4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

(5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

(6) Will protect archaeological and historic resources as designated in the comprehensive plan;

(7) Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;

(8) Will avoid problems associated with floodplain development and use; and

(9) Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered by the municipality.

E. Special Exceptions. In addition to the criteria specified in Section 16(D) above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

(1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

(2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.

(3) All proposed buildings, sewage disposal systems and other improvements are:

(a) Located on natural ground slopes of less than 20%; and

(b) Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.

(4) The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

(5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit. Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

G. Installation of Public Utility Service. A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

H. Appeals

(1) Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:

(a) **Administrative Appeals**: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

(b) **Variance Appeals**: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

(2) **Variance Appeals**. Variances may be granted only under the following conditions:

(a) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

(b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

(c) The Board shall not grant a variance unless it finds that:

(i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and

(ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

a. That the land in question cannot yield a reasonable return unless a variance is granted;

b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

c. That the granting of a variance will not alter the essential character of the locality; and

d. That the hardship is not the result of action taken by the applicant or a prior owner.

(d) Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

(e) The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

(f) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

(3) **Administrative Appeals**

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

(4) **Appeal Procedure**

(a) **Making an Appeal**

(i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

(ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

(iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

(iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

(b) **Decision by Board of Appeals**

(i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

(ii) The person filing the appeal shall have the burden of proof.

(iii) The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

(iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

(5) **Appeal to Superior Court**. Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals

may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

(6) **Reconsideration**. In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

I. Enforcement

(1) **Nuisances**. Any violation of this Ordinance shall be deemed to be a nuisance.

(2) **Code Enforcement Officer**

(a) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

(b) The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

(c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

(3) **Legal Actions**. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby

authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

(4) **Fines**. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

17. Definitions

Accessory structure or use - a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Aggrieved party - an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture - the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green-house products. Agriculture does not include forest management and timber harvesting activities.

Aquaculture - the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Basal Area - the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Basement - any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Boat Launching Facility - a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Bureau – State of Maine Department of Conservation's Bureau of Forestry

Campground - any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy – the more or less continuous cover formed by tree crowns in a wooded area.

Coastal wetland - all tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

Commercial use - the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Cross-sectional area – the cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

DBH – the diameter of a standing tree measured 4.5 feet from ground level.

Development – a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

Dimensional requirements - numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Disability - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

Disruption of shoreline integrity - the alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

Driveway - a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

Emergency operations - operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

Essential services - gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines,

collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Expansion of a structure - an increase in the floor area or volume of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

Expansion of use - the addition of one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

Family - one or more persons occupying a premises and living as a single housekeeping unit.

Floodway - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

Floor area - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Forest management activities - timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

Forested wetland - a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

Forest Stand - a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

Foundation - the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

Freshwater wetland - freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and

2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Functionally water-dependent uses - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters.

Great pond - any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner,

Great pond classified GPA - any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

Ground cover – small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Harvest Area - the area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

Height of a structure - the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Home occupation - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

Increase in nonconformity of a structure - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual private campsite - an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

Industrial - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Institutional – a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Land Management Road - a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

Licensed Forester - a forester licensed under 32 M.R.S.A. Chapter 76.

Lot area - The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Marina - a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

Market value - the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Mineral exploration - hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral extraction - any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Minimum lot width - the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Multi-unit residential - a residential structure containing three (3) or more residential dwelling units.

Native – indigenous to the local forests.

Non-conforming condition – non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Non-conforming lot - a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Non-conforming structure - a structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use - use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal high-water line (non-tidal waters) - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

Person - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland.

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Principal structure - a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal use - a use other than one which is wholly incidental or accessory to another use on the same premises.

Public facility - any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent floodplain soils - the following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

Recreational facility - a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational vehicle - a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement system - a system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Residual basal area - the average of the basal area of trees remaining on a harvested site.

Riprap - rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

Residual Stand - a stand of trees remaining in the forest following timber harvesting and related activities

River - a free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

Road - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

Salt marsh - Areas of coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (Spartina alterniflora). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

Salt meadow - Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (Spartina patens) and black rush; common threesquare occurs in fresher areas.

Service drop - any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service

    a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and

    b. the total length of the extension is less than one thousand (1,000) feet.

2. in the case of telephone service

    a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or

    b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback - the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

Shore frontage - the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland zone - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

Shoreline – the normal high-water line, or upland edge of a freshwater or coastal wetland.

Significant River Segments - See Appendix B or 38 M.R.S.A. section 437.

Skid Road or Skid Trail - a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash - the residue, e.g., treetops and branches, left on the ground after a timber harvest.

Stream - a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point

where the body of water becomes a river or flows to another water body or wetland within the shoreland area.

Structure - anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

Substantial start - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system – any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system..

Sustained slope - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Tidal waters – all waters affected by tidal action during the maximum spring tide.

Timber harvesting - the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

Timber harvesting and related activities - timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

Tributary stream – means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Upland edge of a wetland - the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration

sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

Vegetation - all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

Velocity zone - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Volume of a structure - the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water body - any great pond, river or stream.

Water crossing - any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland - a freshwater or coastal wetland.

Windfirm - the ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

Woody Vegetation - live trees or woody, non-herbaceous shrubs.

STATUTORY AUTHORITY: 38 M.R.S.A. Section 438-A(5)

EFFECTIVE DATE:
January 13, 1988 (filed as 06-101, Ch. 1)

AMENDED:
March 24, 1990 (filed as 06-096, Ch. 1000)
June 19, 1991 - Sections 15 and 17
July 14, 1992 - Sections 4, 8, 9, 12, 15, 16 & 17
August 7, 1994 - Sections 3, 14 & 16

EFFECTIVE DATE (ELECTRONIC CONVERSION): May 5, 1996

NON-SUBSTANTIVE CORRECTIONS:
December 29, 1997 - minor spelling and formatting.
April 1, 1998 - minor renumbering and formatting.

AMENDED:

February 6, 1999
February 13, 2000
May 1, 2006 – filing 2006-115
November 22, 2010 – filing 2010-581
May 5, 2012 – filing 2012-134

(This provision has not been adopted by the Town of Farmingdale as 6/22/13)

1. Appendix A:

ALTERNATIVE TO 30% EXPANSION RULE PURSUANT TO 38 M.R.S.A. SECTION 439-A SUBSECTION 4-A

Section 12.C. Non-conforming Structures

(1) Expansions. A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure, and is in accordance with subparagraphs (a), and (b) below.

(a) Legally existing non-conforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as all other applicable standards contained in this Ordinance are met.

i. Expansion of any portion of a structure within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement.

ii. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body or wetland setback requirement.

iii. For structures located less than 75 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total floor area for all portions of those structures within that 75-foot distance is 1,000 square feet, and the maximum height of any portion of a structure that is within 75 feet, horizontal distance, of a water body, tributary stream or upland edge of a wetland is 20 feet or the height of the existing structure, whichever is greater.

iv. For structures located less than 100 feet, horizontal distance, from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total floor area for all portions of those structures within that 100-foot distance is 1,500 square feet, and the maximum height of any portion of a structure that is within 100 feet, horizontal distance, of a great pond is 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet, horizontal distance from the normal high-water line of a water body, tributary stream, or the upland edge of a wetland must meet the floor area and height limits of division (iii).

For the purposes of Section 12(C)(1)(a), a basement is not counted toward floor area.

(b) Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is

met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(2) Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure, it shall not be considered to be an expansion of the structure.

(1-A) Special expansion allowance. Existing principal and accessory structures that exceed the floor area or height limits set in Section 12(C)(1)(a)(iii) and Section 12(C)(1)(a)(iv) above, may not be expanded, except that the limits may be exceeded by not more than 500 square feet provided that all of the following requirements are met.

(a) The principal structure is set back at least 50 feet, horizontal distance, from the normal high-water line of a water body, tributary stream or upland edge of a wetland.

(b) A well-distributed stand of trees and other natural vegetation as defined in Section 15(P)(2)(b), extends at least 50 feet, horizontal distance, in depth as measured from the normal high-water line or upland edge for the entire width of the property.

If a well-distributed stand of trees and other vegetation meeting the requirements of Section 15(P)(2)(b) is not present, the 500 square foot special expansion allowance may be permitted only in conjunction with a written plan, including a scaled site drawing, by the property owner, and approved by the Planning Board or its designee, to reestablish a buffer of trees, shrubs, and other ground cover within 50 feet, horizontal distance, of the shoreline or tributary stream.

(c) Adjacent to great ponds classified GPA and rivers flowing to great ponds classified GPA, except for the allowable footpath, there exists complete natural ground cover, consisting of forest duff, shrubs and other woody and herbaceous vegetation within 50 feet, horizontal distance, of the normal high-water line. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch and plantings of native shrubs, and other woody and herbaceous vegetation in quantities sufficient to retard erosion and provide for effective infiltration of stormwater.

(d) A written plan by the property owner, including a scaled site drawing, is approved by the Planning Board and is developed, implemented, and maintained to address the following mitigation measures for the property within the shoreland zone.

(i) Unstabilized areas resulting in soil erosion must be mulched, seeded, or otherwise stabilized and maintained to prevent further erosion and sedimentation to water bodies, tributary streams, and wetlands.

(ii) Roofs and associated drainage systems, driveways, parking areas, and other nonvegetated surfaces must be designed or modified, as necessary, to prevent concentrated flow of storm water runoff from reaching a water body, tributary stream or wetland, Where possible, runoff must be directed through a vegetated area or infiltrated into the soil through the use of a dry well, stone apron, or similar device.

(1-B) Planting requirements. Any planting or revegetation required as a condition to the Special Expansion Allowance must be in accordance with a written plan drafted by a

qualified professional, be implemented at the time of construction, and be designed to meet the rating scores contained in paragraph (b) and the ground cover requirements of paragraph (c) when the vegetation matures within the 50 foot strip. At a minimum, the plan must provide for the establishment of a well-distributed planting of saplings spaced so that there is at least one sapling per 80 square feet of newly established buffer. Planted saplings may be no less than three (3) feet tall for coniferous species and no less than six feet tall for deciduous species. The planting plan must include a mix of at least three native tree species found growing in adjacent areas, with no one species making up more than 50% of the number of saplings planted unless otherwise approved by the Planning Board or its designee, based on adjacent stand comparison. All aspects of the implemented plan must be maintained by the applicant and future owners.

(1-C) Filing and reporting requirements. Written plans required pursuant to Section 12(C)(1-A)(d) must be filed with the registry of deeds of the county in which the property is located. A copy of all permits issued pursuant to this section must be forwarded by the municipality to the department within 14 days of the issuance of the permit.

APPENDIX B

38 §437. Significant river segments identified

For purposes of this chapter, significant river segments include the following:

1. **Aroostook River.** The Aroostook River from St. Croix Stream in Masardis to the Masardis and T.10, R.6, W.E.L.S. townline, excluding segments in T.9, R.5, W.E.L.S.; including its tributary the Big Machias River from the Aroostook River in Ashland to the Ashland and Garfield Plantation townlines;

2. **Dennys River.** The Dennys River from the railroad bridge in Dennysville Station to the dam at Meddybemps Lake, excluding the western shore in Edmunds Township and No. 14 Plantation;

3. **East Machias River.** The East Machias River from 1/4 of a mile above the Route 1 bridge in East Machias to the East Machias and T.18, E.D., B.P.P. townline, and from the T.19, E.D., B.P.P. and Wesley townline to the outlet of Crawford Lake in Crawford, excluding Hadley Lake;

4. **Fish River.** The Fish River from the bridge in Fort Kent Mills to the outlet of Eagle Lake in Wallagrass, and from the Portage Lake and T.14, R.6, townline to the Portage Lake and T.13, R.7, W.E.L.S. townline, excluding Portage Lake;

5. **Machias River.** The Machias River from the Whitneyville and Machias townline to the Northfield T.19, M.D., B.P.P. townline;

6. **Mattawamkeag River.** The Mattawamkeag River from the outlet of Mattakeunk Stream in Winn to the Mattawamkeag and Kingman Township townline, and from the Reed Plantation and Bancroft townline to the East Branch, including its tributaries the West Branch from the Mattawamkeag River to the Haynesville T.3, R.3, W.E.L.S. townline and from its inlet into Upper Mattawamkeag Lake to the Route 2 bridge; the East Branch from the Mattawamkeag River to the Haynesville and Forkstown Township townline and from the T.4, R 3, W.E.L.S. and Oakfield townline to Red Bridge in Oakfield; the Fish Stream from the Route 95 bridge in Island Falls to the Crystal-Patten townline; and the Baskehegan Stream from its inlet into Crooked Brook Flowage in Danforth to the Danforth and Brookton Township townline;

7. **Narraguagus River.** The Narraguagus River from the ice dam above the railroad bridge in Cherryfield to the Beddington and Devereaux Township townline, excluding Beddington Lake;

8. **East Branch of Penobscot.** The East Branch of the Penobscot from the Route 157 bridge in Medway to the East Millinocket and Grindstone Township townline;

9. **Pleasant River.** The Pleasant River from the railroad bridge in Columbia Falls to the Columbia and T.18, M.D., B.P.P. townline, and from the T.24, M.D., B.P.P. and Beddington townline to the outlet of Pleasant River Lake;

10. **Rapid River.** The Rapid River from the Magalloway Plantation and Upton townline to the outlet of Pond in the River;

11. **West Branch Pleasant River.** The West Branch Pleasant River from the East Branch to the Brownville and Williamsburg Township townline; and

12. **West Branch of Union River.** The West Branch of the Union River from the Route 9 bridge in Amherst to the outlet of Great Pond in the Town of Great Pond.

ARTICLE 13 SOLAR ARRAY ORDINANCE

Section 1. Purpose

The purpose of this Ordinance is to accomplish the following objectives with the least possible regulation:

- To encourage the development of on-site energy production and consumption.
- To protect the public health and safety.
- To promote the general welfare of the community.
- To conserve the environment, wildlife habitat, fisheries and unique natural areas and to fit these systems harmoniously into the fabric of the community by providing standards for alternative energy systems and other types of Arrays.

Section 2. Definitions

1. Array: A Solar Energy Conversion Array. (See below for additional detail.) For the purposes of this Ordinance, any single antenna or panel greater than 5,000 square feet of surface area is included in this definition. Examples of Arrays are, but are not limited to, solar heating panels, solar photovoltaic (PV) panels, concentrated solar thermal installations, and antenna Arrays.

2. Berm: A barrier constructed of landscaped earth, four (4) feet or more in height measured from the outside base of the berm. Berms may be pierced with reasonable access ways no more than twelve (12) feet in width as approved by the Planning Board.

3. Solar Energy Conversion Array (SECA): The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The term applies to, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, concentrated solar thermal installations, and solar hot water systems.

Section 3. Authority

The Planning Board of Farmingdale, Maine, (the Planning Board) is vested with the authority to review and approve, approve with conditions, or deny any application for Solar Energy Conversion Arrays (SECA or Array) as defined in this Ordinance. A SECA, in the context of this Ordinance, is also commonly referred to as a "Solar Farm". A SECA shall have been approved by the Planning Board before a building permit may be issued under the Land Use Control Ordinance.

1. In the event the Planning Board requires expert opinions, advice, or testimony during the course of reviewing the application to determine the impact to surrounding properties or public safety implications, or to resolve any other issues regarding the proposal, it shall first use due diligence to obtain and utilize free services from governmental or non-profit sources.
2. Should the Planning Board be unable to obtain and utilize free services, the Selectboard may authorize the hiring of independent third-party consultants to review SECA proposals in order to determine the impact to surrounding properties or public safety implications or resolve any other issues regarding the proposal. The Planning Board shall require the applicant to pay for such services after giving notice to the applicant of the name of the expert, the area of qualification of the expert, and the purpose for which the expert is required and the approximate cost of the expert.
3. The applicant shall be provided with an opportunity to meet with the Code Enforcement Officer to arrange a schedule for payment of the costs.
4. The applicant shall have the right to request a public hearing before the Appeals Board to determine if the experts, as noticed by the Planning Board, are necessary to a determination of any issue properly before the Planning Board, and if the approximate costs of the expert are reasonable. The applicant shall request the hearing within 10 days of receipt of the notice

establishing the necessity and costs of any independent third-party consultant, or such time as is agreed to by the Planning Board and the applicant. It will be the applicant's burden to prove that the requested expert is unnecessary, or that the cost is not reasonable. In addition to any other applicable provisions of this Ordinance, before granting a SECA Plan approval, the Planning Board must find that the proposed plan will comply with such of the following standards as applicable.

Section 4. Exempt Solar Arrays
The following Solar Arrays are exempt from this Ordinance:

1. Roof-mounted on any legally permitted residential or residential accessory structure.
2. Ground - or pole-mounted for private use, with a panel area less than 5,000 square feet.
3. Building-integrated solar (i.e., shingle, hanging solar, canopy, etc.).
4. Repair or replacement of Array components that do not enlarge the area of the existing Array.
5. Commercial buildings utilizing solar energy for on-site operational purposes only.

Section 5. Solar Array Complex Plan Review
All non-exempt Arrays must be approved by the Planning Board through this Ordinance.

The following requirements must be included in a SECA application:

1. All application materials required for a building permit under the Land Use Control Ordinance and any applicable fee established by the Selectboard.
2. A site plan showing property lines, the location of any wetlands or flood zones, the location of proposed panels, equipment, fencing and access roads, and the location and setback of any roads or streets.
3. A submission showing results of four soil samples per acre from the site to establish a baseline for soil condition comparison upon decommissioning. The Town reserves the right to request additional samples for sites on or adjacent to former landfills or for sites where contamination is discovered during the soil testing process.
4. A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) whose minimum requirements meet the standards in Section 9 of this Ordinance. Such plan must be filed in the Kennebec County Registry of Deeds prior to the first operation of the Array.
5. A Waste Stream Management Plan (WSMP) for the construction waste and debris at the site of the said Array, including but not limited to cardboard, wood, scrap metal, scrap wire, and clearing and grading wastes, from the construction site and the disposal site(s) of such waste. Information on the amount of material that is being recycled shall be included in the WSMP. The Code Enforcement Officer shall conduct a final inspection to ensure compliance with the approved plan.

Section 6. General Standards for all Arrays
1. Unless otherwise specified through a written contract, lease or other agreement, a copy of which is on file with the Farmingdale Code Enforcement Officer, the property owner of record will be presumed to be the responsible party for owning and maintaining the Array.
2. Approval under this Ordinance is conditional upon compliance with all other Farmingdale Ordinances, the Maine Plumbing and Electrical Codes, Natural Resources Protection Act, Storm water Management Law or other applicable regulations and any requirements of the local utility if any Array is to be connected to any existing electric grid.
3. An Array shall not be constructed until the Solar Array Complex Plan has been approved by the Planning Board and a building permit has been issued by the Code Enforcement Officer and any applicable appeal period having passed without an appeal being filed.

4. All Arrays shall be operated and located such that no disruptive electromagnetic interference with signal transmission or reception is caused beyond the site. If it has been demonstrated that the system is causing disruptive interference beyond the site, the system operator shall promptly eliminate the disruptive interference or cease operation of the system.
5. All on-site electrical wires or piping associated with the system shall be installed underground except for "tie-ins" from above-ground mounted installations and to public-utility company transmission & distribution poles, towers and/or lines. This standard may be waived by the Planning Board if the project terrain is determined to be unsuitable for underground installation.
6. The Array site shall not display any permanent or temporary signs, writing, symbols, logos, or any graphic representation of any kind except appropriate manufacturer's or installer's identification and warning signs,
7. Array placement must be designed to minimize or negate any solar glare onto nearby properties, or roadways.
8. If lighting is provided at the site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.
9. Any point of potential contact of people or animals with generated electric current must be secured, including but not limited to, fencing as required by the National Electric Code, and remote switches to isolate electric current. Remote switches shall be placed between Arrays, batteries, and the public utility system.
10. The boundaries of any nonexempt Array that borders any road or any abutting residential dwelling lot shall consist of a vegetated buffer the width of the required setback along that border, in addition to any fence that may be erected, and existing vegetation should be used to satisfy these planting requirements where possible. Berms with vegetation are encouraged as a component of any buffer and the Planning Board may allow up to 25% reduction in the required buffer width where a berm is to be constructed. The buffer shall screen the Array from view by the abutting road or any nearby residences to the greatest extent practical. In the event no natural vegetation exists a plan by a licensed arborist shall be submitted to the Planning Board for approval. The plan shall contain indigenous species of conifers or evergreens and must be maintained to adequately screen the Array.
11. Outside of the fenced Array area, an unpaved, compacted road with a minimum 15-foot width must be constructed for fire prevention purposes.
12. Arrays covering permanent parking lots and other hardscape areas approved by the Planning Board are encouraged in order to limit the amount of storm water flowage. Where the Array will cover existing hardscape (impermeable surface) areas, the Planning Board may in its discretion waive the vegetated buffer requirement so long as the required setback is met.
13. If electric storage batteries are included as part of any Array system, they must be installed according to all requirements set forth in the National Electric Code and State Fire Code when in operation. When no longer in operation, the batteries shall be disposed of in accordance with the laws and regulations of the Town of Farmingdale and any other applicable laws and regulations relating to solid, special, or hazardous waste disposal.
14. Financial gain from "Net Metering" for electric power is not considered a commercial activity if used to offset energy costs of private individuals only.

Section 7. Dimensional and Design Standards

1. Setbacks: All parts of the Array shall be setback from all property lines a distance equal to the required minimum setback required by Farmingdale's Land Use Control Ordinance plus ten (10) feet for any SECA over 100,000 square feet of Array collector surface area.
2. Height: A ground - or pole - mounted SECA shall have a maximum height of 20 feet as measured from the ground level to the system's highest point at full tilt,
3. Roof Load: The weight of any Array proposed to be roof mounted on any non-exempt structure must be calculated and the applicant must submit a determination by a registered engineer with stamped certification or finding that the load rating of the underlying structure can accommodate the additional weight of the SECA.

4. Lot Coverage: The maximum surface area of a ground - or pole - mounted panel system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage or area of the structure, for the purposes of any applicable Town of Farmingdale Ordinance.
5. Design Standards:

A. Any height limitations of this Ordinance shall not be applicable to roof-mounted solar collectors provided that such structures are erected only to such height as is reasonably necessary to accomplish the purpose for which they are intended to serve.

B. Array installations shall not obstruct solar access to neighboring properties.

C. The Array structure shall be a non-reflective color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporates non-reflective surfaces to minimize any visual disruptions.

Section 8. Guarantee For Removal

At the time of approval of a proposed Array, and prior to initiating construction of any Array within the Town of Farmingdale, the applicant must guarantee the costs for the removal of the facility.

1. The amount of the guarantee shall be equal to 125% of the estimated removal cost, provided by the applicant and certified by a professional civil engineer licensed in Maine or a professional Array construction company.
2. The owner of the facility shall provide the Planning Board with a revised removal cost estimate and structural evaluation prepared by a professional civil engineer licensed in Maine or a professional Array construction company every five (5) years from the date of the Planning Board's approval of the Solar Array Complex Plan.
3. If the cost has increased more than fifteen (15) percent, then the owner of the facility shall provide additional security in the amount of the increase. The applicant may also request adjustments in the guarantee.
4. Types and Contents of Guarantee - One of the following performance guarantees chosen by the applicant shall be provided on approval of the application,

A. Interest-Bearing Escrow Account - A cash contribution equal to 125% of the estimated removal cost for the establishment of an escrow account shall be made by either a certified check made out to the Town, direct deposit into a savings account, or purchase of a certificate of deposit.

i. For any account opened by the applicant, the Town shall be named as owner or co-owner, and consent of the Town shall be required for withdrawal.

ii. Any interest earned on the escrow account shall be returned to the applicant unless the Town has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required work.

B. Performance Bond - A performance bond shall detail the conditions of the bond, the method for release of the entire bond or portions of the bond to the Town, and the procedures for collection by the municipality. The bond documents shall specifically reference the Array facility for which approval is sought.

C. Irrevocable Letter of Credit - An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the removal of the Array facility and may not be used for any other project or loan. The letter of credit shall detail the procedures for collection by the municipality. The conditions and amount of the performance guarantee shall be determined by the Planning Board with the advice of the Selectboard, and/or Town Attorney, expenses paid for by the applicant.

Section 9. Decommissioning and Abandonment

1. The owner or operator of the facility, or the owner of the parcel if there is no separate owner or operator of the facility or if the owner/operator fails to do so, shall do the following as a minimum to decommission the project:

A. Remove all non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least four feet below grade.

B. Submit the results of 4 soil samples per acre to compare to the original soil samples taken at the time of application. If there is any contamination or pollution in the soils it shall be the responsibility of the operator of the facility to restore the soils to its original state.

C. Revegetate any cleared areas with appropriate plantings that are native to the region according to an approved Solar Array Complex Plan, unless requested in writing by the owner of the real estate to not revegetate due to plans for agricultural planting or other development subject to the Planning Board's approval.

D. Fill in all holes, depressions or divots resulting from the construction of the Array.

2. All said removal and decommissioning shall occur within 12 months of the facility ceasing to operate.

3. Abandonment will occur as a result of any of the following conditions unless the lessee or owner of the facility or of the parcel notifies the Code Enforcement Officer of the intent to maintain and reinstate the operation of the facility within 30 days of the following events:

A. The land lease (if applicable) ends; or

B. The system does not function for 12 months; or

C. The system is damaged and will not be repaired or replaced.

4. A notice submitted to the Code Enforcement Officer of the intent to maintain and reinstate the operation of the facility shall be updated every six months with a statement of the progress made towards that goal.

5. If the facility has not returned to operational condition within one year from the date of the first notice of the intent to maintain and reinstate the operation of the facility, the Code Enforcement Officer shall find the facility has been abandoned unless there is documentable evidence that the process has had significant progress and in the Code Enforcement Officer's opinion is likely to be completed in a timely manner.

6. Upon determination of abandonment based on the foregoing, the Code Enforcement Officer shall notify the party (or parties) responsible by certified mail or by hand delivery with signed receipt that they must remove the facility and fully restore the site in accordance with Section 9, Subsection (1) of this Ordinance within three hundred and sixty (360) days of notice by the Code Enforcement Officer. A copy of the notice shall be forwarded by the Code Enforcement Officer to the Selectboard.

Section 10. Retroactive Clause

Notwithstanding the provisions of 1 M.R.S. §302, and regardless of the date on which it is approved by the voters, this Ordinance shall be effective as of June 15, 2023 and shall govern any and all applications for permits or approvals required under the applicable laws of The Town of Farmingdale that were or become pending before any officer board or agency of The Town of Farmingdale on or at any time after June 15 2023.

Section 11. Conflicts; Savings Clause

Any provisions of the Town's Ordinances that are inconsistent with or conflict with the provisions of this Ordinance are hereby repealed to the extent applicable. If any section or provision of this Ordinance is declared by a Court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Section 12. Violations and Enforcement

Violations of this Ordinance shall be subject to per-day penalties in accordance with 30-A M.R.S. § 4452 and the violator shall be assessed the Town’s reasonable attorney fees and costs. The Code Enforcement Officer shall have authority to enforce this Ordinance.

ARTICLE 14 USE OF RECREATIONAL VEHICLES AND CAMPING ORDINANCE

Section 1. Purpose
The purpose of this ordinance is to regulate the use of recreational vehicles and campsites as dwellings during the colder months of the year. This ordinance has been established to promote public safety, public health, and environmental protection.

Section 2. Definitions
The term "recreational vehicle" shall mean all camper vehicles, camper trailers, pop-up campers, in-body campers, and any other form vehicle or trailer designed for temporary dwelling. Vehicles and trailers covered by this ordinance must be appropriately registered with a state department or bureau of motor vehicles.

The term "campsite" shall mean a dwelling location that may include a recreational tent or lean-to structure designed for the purposes of temporary dwelling.

The term "dwelling" shall have the same meaning as found within the Town of Farmingdale's Land Use Control Ordinance, Article 2, Sec. 4-201.

Section 3. Timeframe
Recreational vehicles and campsites may only be used as dwellings in Farmingdale from May 1st to October 31st each year.

Between May 1st and October 31st of any year, no individual may dwell in a recreational vehicle or campsite for more than fourteen (14) consecutive calendar days without the express, written permission of the Farmingdale Code Enforcement Officer, as outlined below.

The fourteen (14) consecutive calendar day limit does not restart if the individual alternates the vehicle, campsite, or location used.

Section 4. Permitted Use
If any individual wishes to dwell in a recreational vehicle or campsite for more than fourteen (14) calendar days then a written Temporary Occupancy Permit must be obtained from the Farmingdale Code Enforcement Officer, specifying the start and end dates of occupancy and the location and address where occupation is to take place.

Recreational vehicles and campsites, permitted as outlined above, for more than fourteen (14) calendar days are required to have 1) installed and operational smoke detectors, 2) carbon monoxide detectors, and 3) adequate toileting facilities in strict conformance with State of Maine law and plumbing code. For recreational vehicles, a pumping agreement with a septic pumping company or pumping records must be kept on site. The aforementioned agreements and records shall be made available upon request of the Code Enforcement Officer.

Section 5. Penalties
Any individual who violates this ordinance may be subject to penalties of $100 to $2,500 per day under the enforcement provisions of Title 30-A M.R.S., Section 4452. The Code Enforcement Officer may issue a written warning in lieu of pursuing court action at his or her discretion.

Section 6. Exemptions
This ordinance does not apply to recreational vehicles or campsites that are found within licensed recreational vehicle parks or campgrounds that are permitted to do business within Farmingdale.

ARTICLE 15 CHANGE OF USE WITHIN AN EXISTING CONFORMING OR LEGALLY NONCONFORMING STRUCTURE

Section 1 Land Use

An existing conforming use may be changed to another conforming use provided that the Planning Board finds, after receiving a written application and fee, as established by the Select Board, that the proposed use is equally or more appropriate to the Town than the existing use, and that the proposed use will have no greater adverse impact on adjacent properties than the former use.
The appropriateness and adverse impact of the change will be based on the following:

- HHE-211 Interior Plumbing;
- HHE-200 Subsurface Wastewater Disposal System;
- NFPA 101 – Life Safety Codes;
- Probable changes in traffic (volume and type);
- Parking;
- Noise; and
- Potential for litter, waste, by-products, fumes, odors, or other nuisances likely to result from such change of use.

The Planning Board shall require notification of abutters and shall hold a public hearing for the application.

Chapter 5 Public Safety

ARTICLE 1 CHANGEABLE SIGN ORDINANCE

Sec. 5-101 Authority

The Town of Farmingdale, Maine hereby enacts this "Changeable Signs Ordinance" (hereinafter the "Ordinance") pursuant to 23 M.R.S.A §1914 (11-A), 30-A M.R.S.A §3001.

Sec. 5-102 Purpose

The purpose of this Ordinance is to regulate the frequency and manner of change of display on each side of a changeable sign in a manner contrary to that provided by State law, and to do so in a manner that promotes highway safety and to also assist local businesses to compete with businesses in other cities and towns.

Sec. 5-103 Definitions

1. Changeable Sign means an on-premises sign created, designed, manufactured or modified in such a way that its message may be electronically or digitally altered by the complete substitution or replacement of one display by another on each side.
2. Display means that portion of the surface area of the changeable sign that is, or is designed to be, or is capable of being periodically altered for the purpose of conveying a message.
3. Dissolve is a mode of message transition of accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and loose legibility simultaneously with the gradual appearance and legibility of the second message.
4. Fade is a mode of message transition accomplished by varying light intensity, where the first message gradually reduces the intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.
5. Flashing is the conspicuous intermittent exhibit of changing light or color effects with a period of change of less than 4 seconds.
6. Frame is a complete, static display screen on a changeable sign.
7. Frame Border is a visual effect used to create the edge or form the outer boundary of a frame.
8. Frame Effect is a visual effect used to change from one message to another in the following ways:

    a. "Drizzle Effect" is a mode of message transition where a complete or partial message appears to rain from the top of the display filling from the bottom to the top.
    b. "Flash Effect" is a mode of message transition where a complete or partial message continuously blinks.
    c. "Mesh Effect" is a mode of message transition where a complete or partial message appears as strands from opposite sides of the display interlacing to create a frame.
    d. "Pan Effect" is a mode of message transition where a complete or partial message appears to scroll on a horizontal or vertical plane to accommodate the complete viewing of a message larger than the display area.
    e. "Radar Effect" is a mode of message transition where a complete or partial message appears in a clockwise sweeping motion.
    f. "Resolve Effect" is a mode of message transition where a complete or partial message appears to solidify a portion of pixel intervals.
    g. "Scroll Effect" is a mode of message transition where a complete or partial message appears to rotate on a vertical or horizontal plane.

h. "Shutter Effect" is a mode of message transition where a complete or partial message appears as strands that rotate on a vertical or horizontal pivot point to create a solid message.
i. "Slots Effect" is a mode of message transition where a complete or partial message appears to rotate on multiple horizontal axes at separate intervals.
j. "Spin Effect" is a mode of message transition where a complete or partial message moves in a clockwise or counterclockwise sweeping motion.
k. "Spring Effect" is a mode of message transition where a complete or partial message decompresses from a start position, such as top, bottom, center, right or left.
l. "Travel Effect" is a mode of message transition where the message appears to move horizontally across the display surface.
m. "Twinkle Effect" is a mode of message transition where a complete or partial message appears to sparkle.
n. "Wave Effect" is a mode of message transition where a complete or partial message appears to fill the display surface from the lower left corner to right top corner in a single wave like motion.
o. "Wavy Effect" is a mode of message transition where a complete or partial message appears in ripple like motion.
p. "Wink Effect" is a mode of message transition where a complete or partial message appears to expand from the horizontal axis.
q. "Wipe Effect" is a mode of message transition where a complete or partial message glides in or out from a start position, such as top, bottom, center, right or left.
r. "Zip Text Effect" is a mode of message transition where a complete or partial message appears to move and stack sections of the message from a start position such as the top, bottom, right or left.
s. "Zoom Effect" is a mode of message transition where a complete or partial message appears to expand horizontally and/or vertical

9. Lot means a lot for which the deed was legally recorded, or that was created by a plan legally recorded, in the registry of deeds for the county where the lot is located. Contiguous lots of record in the same ownership are considered on lot.
10. Message means a communication conveyed by means of a visual display of text, a graphic element or pictorial or photographic image.
11. Scroll is a mode of message transition where the message appears to move vertically across the display surface.
12. Sign Assembly means the display, border, trim and all supporting apparatus, including posts, columns, pedestals and foundations.
13. "Time and Temperature Sign" means a changeable sign that electronically or mechanical displays the time and temperature by the complete substitution or replacement of a display showing the time with a display showing the temperature.
14. Travel is the mode of message transition where the message appears to move horizontally across the display surface.
15. Video Animation is the broadcasting of moving visual images.

Sec. 5-104 Regulations

1. Each message shall be a fixed static display with a 4 (four) second hold rate of change minimum between changes. Time and/or temperature can change at a rate of every 1 (one) seconds. All modes and effects are allowed with the following exceptions: flashing, to include flash effect, or display continuous streaming of information; to

include drizzle effect, twinkle effect, wavy effect or video animation, including frame border.

2. The display may comprise up to 100% of the surface area of a changeable sign.

3. The sign must be located outside State and/or Towns right of way and cannot project beyond the property line of the lot on which it is placed.

4. No sign may be located so as to obstruct a traffic control devise or in a manner which would obscure the view of approaching or merging traffic.

5. No more than 1 (one) changeable sign may be permitted within 300 (three hundred) feet of another changeable sign per lot on the same side of the traveled way.
6. The highest point of the display of a changeable sign may not exceed a height of 25 feet above either the center line of the nearest public way or actual ground level adjacent to the sign, whichever is lower.
7. Rooftop. No changeable sign may be mounted on any rooftop.
8. All text and graphics will be permitted 24 (twenty-four) hours a day.
9. No sign which advertises or calls attention to any products, businesses, or activities which are no longer sold or carried on shall remain on the premises for more than six months after the product, business, or activity has ceased being sold or carried on.

Sec. 5-105 Non-conforming Signs

All signs legally in existence at the time of the enactment of this Ordinance and which are nonconforming in terms of height or setback from right of way and/or lot lines shall be exempted from the height and setback provisions of this Ordinance until such time as the sign may be removed, replaced, or reconstructed. However, all signs must immediately comply with the remaining provisions of this Ordinance, including the display hold rate and prohibition on flashing.

Sec. 5-106 Administration

Pursuant to 23 M.R.S.A §1914 (11-A), the changeable signs within the municipality and displays on each side of those changeable signs shall comply with all other requirements of State law. The Town shall notify the Maine Department of Transportation in writing that it has adopted this Ordinance and shall send it a copy of the same. The Town of Farmingdale shall administer the provisions of this Ordinance

Effective: December 10, 2011
Revised: June 13, 2015

ARTICLE 2 FIREWORKS

This Ordinance governs the discharge and possession of fireworks in the Town of Farmingdale, Maine. The sale of fireworks in the Town of Farmingdale shall be governed by current Maine law (Title 8 M.R.S.A. Section 223-A and as amended). Any property owner, seeking to discharge fireworks as defined and permitted under Title M.R.S.A. Section 223-A, within the Town of Farmingdale, shall follow the rules prescribed in this ordinance.

Sec. 5-201 Requirements

1. Fireworks shall not be ignited by any person under the age of 21.
2. Fireworks shall not be ignited within 50 feet of any structure, overhead utilities, or woodlands. This part of the ordinance does not apply if a State licensed commercial fireworks contractor is discharging commercial fireworks.
3. Fireworks shall not be ignited by any person under the influence of alcohol or drugs. Any fireworks user found to be impaired by the consumption of alcohol and/or use of drugs shall be in violation of this ordinance.
4. All fireworks users are required to have a means of fire extinguishment readily accessible including, but not limited to a garden hose or a fire extinguisher.
5. Fireworks shall only be discharged between the hours of 5:00 p.m. and 10:00 p.m., except on the following dates they may be used between the hours of 5:00 p.m. and 12:30 a.m. the following day:
   A. July 4th
   B. December 31st and;
   C. The week-ends immediately before and after July 4th and December 31st.
6. The use of fireworks is only permissible on days when the fire danger day is Class 1 or Class 2. The use of fireworks is strictly prohibited on a Class 3, Class 4 or Class 5 fire danger day or at times when a red flag fire warning has been issued by the State of Maine Forest Service (MFS). The classification of the fire danger may be determined by contacting an officer of the Farmingdale Fire Department or online at: http://www.maine.gov/dacf/mfs/wildfire_danger_report/index.html

Sec. 5-202 Violations and Enforcement

1. Failure to comply with any provision of this ordinance shall result in:
   A. First offense: written warning for a period of twenty-four hours.
   B. Second offense: $300.00 penalty and a prohibition on the fireworks user for a period of seven calendar days.
   C. Third offense: $600.00 penalty and a prohibition on the fireworks user for a period of three hundred sixty-five calendar days.
2. All penalties shall be paid to the Town of Farmingdale and deposited into the general fund account.
3. Any complaint received by the Town of Farmingdale regarding a Fireworks display shall be investigated by the Farmingdale Constable or other duly authorized law enforcement officers. If the fireworks use is found to be in violation of state law or local ordinance or deemed to be unsafe to the public by the enforcement authorities, the fireworks user shall cease and desist or be subject to the fines listed above.

4. Any three complaints on different days from neighbors will result in a total ban being placed on the firework user and the land owner and no fireworks shall be set off by the violator or on the land of the property owner.
5. All fireworks users shall be financially responsible for any and all expenses incurred by the Town of Farmingdale and all mutual aid response towns for costs associated with the mitigation of any fire or other emergency resulting from the misuse of Fireworks within the Town of Farmingdale.
6. Any duly authorized constable of the Town of Farmingdale shall have the authority to issue citations for violations of this ordinance.
7. Persons found in possession of or discharging Non-Permissible Fireworks shall be subject to the penalties outlined in Maine State Law. This section shall not apply to those individuals that hold valid Certificates of Competency issued by the State of Maine. Nothing in this ordinance shall preclude any law enforcement officer from enforcing any section of Maine Law.

Effective Date: December 10, 2011

Revised: June 28, 2014

ARTICLE 3 ENHANCED 911 ADDRESSING

Sec. 5-301 Purpose

The purpose of this ordinance is to enhance the easy and rapid relocation of properties by law enforcement, fire, rescue, and emergency medical services personnel in the Town of Farmingdale.

Sec. 5-302 Authority

This ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section1 of the Constitution of the State of Maine and Title 30-A M.R.S.A. Section 3001.

Sec. 5-303 Administration

The Board of Selectmen shall appoint an Addressing Officer. This ordinance shall be administered by the Addressing Officer, who shall approve or assign road names plus structure numbers to all properties, on both existing and proposed roads, in accordance with the criteria in Sections 5-304 and 5-305.

The Addressing Officer is responsible for approving and providing address information to the Emergency Services Communication Bureau or its designee, and must have signature authority on behalf of the community for doing so. The basis for this position and its responsibilities are found in the rules originally adopted by the Emergency Services Communication Bureau in 1996, pursuant to 25 MRSA 2926.

Typical responsibilities of the Addressing Officer include:

1. Verifying and/or correcting telephone company subscriber addresses with the local phone company(s).
2. Approving and providing correct road name and number range information.
3. Indicating Farmingdale's Emergency Service Zone(s), or ESZs.
4. Providing updates on changes to address ranges and ESZs as they occur or providing verification at least annually.
5. Resolving discrepancies that arise with any addressing information in the Enhanced 9-1-1 databases.
6. Act as a local guide for collection of new or missing road data.
7. Other responsibilities of the Addressing Officer in Farmingdale include:
   A. Answering citizens questions about addressing.
   B. Monitoring local development activities with the planning board or CEO for the creation of new roads and subdivisions to assign new addresses.
   C. Calculating and issuing property numbers.
   D. Updating Farmingdale's address database as needed.

Sec. 5-304 Naming System

1. All roads that serve two or more properties shall be named, regardless of whether the ownership is public or private. A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. "Property" refers to any property on which a more or less permanent structure has been erected or could be placed. A road name assigned by the Town shall not constitute or imply acceptance of the road as a public way.

2. The following criteria shall govern the naming system:
   A. No two roads shall be given the same name (e.g., no Pine Road and Pine Lane).
   B. No two roads should have similar-sounding names (e.g., Beech Street and Peach Street).
   C. Each road shall have the same name throughout its entire length.

Sec. 5-305 Numbering System

Numbers shall be assigned every fifty (50) feet along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, ascending from the number origin.

1. The following criteria shall govern the numbering system:
2. All number origins on minor streets shall begin at the end that is nearest by road to a collector street or state highway. In the event that both ends of a road intersect a collector street or state highway, numbering shall run east to west, or north to south, as applicable.
3. The number assigned to each structure shall be that of the numbered interval falling closest to the front door or the driveway of said structure if the front door cannot be seen from the main road.
4. Every structure with more than one principal use or occupancy shall have a separate number for each use or occupancy. For example, duplexes will have two separate numbers.
5. Apartments will have one property number followed by an apartment number, such as 235 Maple Street, Apt. 2.

Sec. 5-306 Compliance

All owners of structures shall, by the date stated in Section 5-308, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:

1. Number on the Structure. Where the structure is within fifty (50) feet of the assigned street right of way, the assigned number shall be displayed on the structure so that it is easily visible from said street, and to the extent possible, the assigned number shall be displayed in the vicinity of the front door or entry.
2. Number at the Street Line. Where the structure is over fifty (50) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, the mail box, or on some structure at the property line adjacent to the walk or access drive to the numbered structure.
3. Size and Color of Number. Numbers shall be a minimum four (4) inches high and be of a contrasting color to their background.
4. Obsolete numbers. Every person whose duty is to display the assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this ordinance.
5. Interior Location. All residents and other occupants are requested to post their assigned number and road adjacent to their telephone for emergency reference.

Sec. 5-307 New Development and Subdivisions

All new construction and subdivisions shall be named and numbered in accordance with the provisions of this ordinance and as follows:

1. New Construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the owner to procure an assigned number from the Addressing Officer. This shall be done prior to the issuance of the building permit
2. New Subdivisions. Any prospective sub divider shall show a proposed road name previously approved by the Addressing Officer in conjunction with the Planning Board on the pre-application submission to the Planning Board. Approval by the Planning Board, after consultation with the Addressing Officer, shall constitute the assignment of road names in the subdivision. Reference Section 4-905.1.E.

Sec. 5-308 Fee

Any associated fee may be reviewed in Appendix 1 “Fee Schedule”.

Effective: January 1, 1999

Revised: June 28, 2014

ARTICLE 4 FIRE SAFETY

Sec. 5-401 Hydrants and Outside Sprinkler System Connections

No person, firm or corporation shall obstruct any fire hydrant or any outside connection to any sprinkler system with any sign, rubbish, motor vehicle, snow, ice or any material or object within six (6) feet thereof. No person except Gardiner Water District employees, Hallowell Water District employees or Fire Department members shall open any hydrant without permission of the Gardiner Water District Superintendent.

Sec. 5-402 Burning Permits

1. Burning permits are required for all outdoor burning. Permits may be obtained from the Fire Chief, Assistant Fire Chief or any Farmingdale Fire Department officer. Burning permits may also be issued by the Maine Forest Service online at https://www13.informe.org/burnpermit/public/index.html . The issuance of a permit will not relieve any person from legal responsibility caused by a fire that gets out of control, or smoke from same. No burning shall take place on any paved street or sidewalk or within ten (10) feet from a building, fence, fuel storage, or motor vehicle.
2. Persons burning any material do so at their own risk and the Fire Chief or assistant Fire Chief may order all burning stopped at any time.

Sec. 5-403 Knox Rapid Entry Box

1. Purpose: Rapid Entry. To establish criteria which provides a method by which the Fire Department may gain rapid entry into specific buildings for lifesaving or firefighting purposes without forcible entry.
2. Application. Every building subject to the requirement of this ordinance shall be equipped with a rapid entry system. The rapid entry system shall be manufactured by the Knox Company. All costs associated with the installation of the key vault shall be the responsibility of the building owner. The Fire Chief shall have discretion as to the need and/or replacement of a Knox Box on new or existing buildings in compliance with this ordinance. The key vault shall be installed in a location determined by the Fire Chief and/or designee. This ordinance shall apply to:
   A. New residential buildings which contain six (6) or more living units and utilize common corridors to access the living units.
   B. New business, commercial and/or health care facilities.
   C. An existing structure, should suitable cause exist as determined by the Fire Chief, shall have a Knox Rapid Entry Box installed.
3. Penalty. Any building owner violating the provisions of this ordinance, after receiving due notice from the Fire Department. shall be subject to a penalty of one hundred ($100) dollars each month from time of notification until compliance is achieved.
4. Purpose. False Alarms/Malfunctions.

If a structure should have three (3) false alarms/alarm malfunctions or a combination of these in a given fiscal year (July 1 to June 30) the property owner shall be subject to a penalty of not less than $400 or more than $1,000 as determined by the Farmingdale Board of Selectmen. Furthermore, If a structure should have three (3) false alarms/alarm malfunctions or a combination of these in a given fiscal year and a rapid entry system not be available, the Fire Chief, or designee, and property owner/manager shall discuss the need for a Knox Rapid Entry Box System installation. If an arrangement cannot be agreed upon to assure rapid entry, any additional malfunction/false alarm or combination of

these will result in an additional monetary assessment payable to the Town of Farmingdale of not less than $400 or more than $1,000 as determined by the Board of Selectmen.

Sec. 5-404 Penalties

Any person, firm or corporation who violates any of the provisions of this Article shall forfeit not less than one or more than one hundred dollars ($100) for each offense.

Sec. 5-405 Fee

Any fee may be reviewed in Appendix 1, “Fee Schedule”.

Revised: June 28, 2014

ARTICLE 5 ANIMAL CONTROL ORDINANCE

Sec. 5-501 Purpose

1. The purpose of this ordinance is to require that all animals in the Town of Farmingdale be kept under control of their owner or keeper at all times so they will not injure persons or other animals, damage property, or create a public health threat.
2. The provisions of this ordinance that apply to the owner of an animal apply equally to any person keeping, or having control, custody, or possession of that animal.

Sec. 5-502 Definitions

1. Abandoned Animal. an animal that has been deserted by its owner or keeper.
2. Animal. every living, sentient creature not a human being.
3. Animal Control. control of dogs, cats, and domesticated animals.
4. Animal Control Officer. any person appointed by the Town of Farmingdale to enforce animal control laws.
5. Animal Shelter. a facility that includes a physical structure or part of a physical structure that provides temporary or permanent shelter to stray, abandoned, abused or owner-surrendered animals.
6. At – Large. off the premises of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the dog.
7. Dog. any of large and varied groups of domesticated animals in the canine family.
8. Leash. a hand-held device, 30 feet or less in length, which can be used to restrain a dog if the dog fails to respond to voice commands or if the owner or responsible party is ordered by a law enforcement officer to leash the dog and at all times when this Ordinance requires dogs to leashed.
9. Owner. any person or persons, firm, association, or corporation owning, keeping or harboring an animal or any person having custody, possession, or control of an animal.
10. Responsible Party. As used in this ordinance, the term “responsible party” means any person who has possession or custody of a dog. If a dog is in violation of the restrictions of this Ordinance, the owner of the dog and the responsible party are jointly and severally liable for the violation.
11. Voice Control. As used in this ordinance, the term “voice control” means that the dog returns immediately to and remains by the side of the responsible party in response to the responsible party’s verbal command. If a dog approaches or remains within 10 feet of any person other than the responsible party, that dog is not under voice control and a violation of this Ordinance occurs, unless such person (or in the case of a minor child, an adult present with the child) has communicated to the responsible party by spoken word or gesture that such person consents to the presence of the dog.

Sec. 5-503 Animal Control Officer

A qualified person shall be employed by the Town of Farmingdale who shall be known as and perform the duties of Animal Control Officer. The Animal Control Officer shall be principally responsible for the enforcement of all laws related to dogs, cats and other domesticated animals. The Animal Control Officer shall be trained and certified in accordance with Title 7, M.R.S.A., Section 3906-B.

Sec. 5-504 At-Large Dogs

It is unlawful for any dog, licensed or unlicensed, to be at large, except when used for hunting. The owner of any dog found at large shall be subject to the civil penalties provided in this ordinance.

Sec. 5-505 Impoundment or Return of At-Large Dogs

All dogs found at-large in violation to Title 7, M.R.S.A., Section 3911 may be impounded at the animal shelter at the discretion of the Animal Control Officer.

Sec. 5-506 Disposition of Impounded Animal

An owner is entitled to resume possession of any impounded animal provided that all provisions of this ordinance have been met and that all impoundment fees due under the provisions of this ordinance have been paid. Any animal not claimed after 7 days may be classified as an abandoned animal, and the animal's owner may be subjected to all civil penalties authorized by this ordinance.

Sec. 5-507 Impoundment Fee

An owner may reclaim an impounded animal by first paying to the animal shelter a $20.00 impoundment fee. Proof that all tags and licenses are up to date is required before the shelter will release an animal.

Sec. 5-508 Animal Noise

1. Except as provided in subparagraph (2) and (3) below, no owner shall permit or allow any animal to bark, howl or make other sounds common to its species if such sounds recur in steady, rapid succession for 20 minutes or more or recur intermittently for one hour or more. Upon written complaint by the person disturbed, the Animal Control Officer may investigate and may give written notice to the owner or keeper of such dog that such annoyance or disturbance must cease. Thereafter, upon continuance of such annoyance or disturbance, such owner shall be subject to the penalties for violation pursuant to Sec. 5-508(2)
2. Sec. 5-508(1) shall not apply if any animal is situated near or by a legitimate cause for provocation.
3. Sec. 5-508(1) shall not apply to farm animals kept on a property located in the Town of Farmingdale. For purposes of this exception, dogs are not "farm animals" and kennels are not "farms."

Sec. 5-509 Dangerous Dogs

Any person who is assaulted by a dog or any person witnessing an assault against a person or domesticated animal or a person with knowledge of an assault against a minor, within thirty (30) days of the assault, may make a written complaint to the Animal Control Officer that the dog is a dangerous dog. The Animal Control Officer may issue a civil violation citation for keeping a dangerous dog pursuant to 7 M.R.S.A. §3952. After issuing the citation and before hearing in court, if the dog poses an immediate or continuing threat to the public, the Animal Control Officer shall order the owner of the dog to muzzle, restrain or confine the dog to the owner's premises or to have the dog, at the owner's expense, at a place determined by the Animal Control Officer. If the owner fails to comply with such order, the Animal Control Officer may apply to the District Court, Superior Court or a Justice of the Peace pursuant to 7 M.R.S.A. §3952 for an ex parte order for authorization to take possession of the dog that poses an immediate or continuing threat to the public.

Sec. 5-510 Trespass

1. An owner of an animal may not allow that animal to enter onto the property of another after the owner has been warned by the Animal Control Officer or a law enforcement officer that the animal was found on the property of another.
2. The owner of an animal is responsible, at the owner's expense, for removing such animal found trespassing. The Animal Control Officer, may at the owner's expense, remove and control the animal if:
   A. the owner fails to remove the animal after having been notified by the Animal Control Officer that the animal was trespassing; or
   B. the animal is an immediate danger to itself, to persons, or to another's property.
   C. Any animal so removed shall be subject to the provisions of Sections V, VI, and VII in the same manner as an at-large dog.

Sec. 5-511 Tags and Stickers

No dog shall be kept within the limits of the Town of Farmingdale unless such dog is licensed by its owner in accordance with Maine Law. The Town Clerk shall provide with each new license issued for a dog a tag indicating the year the license is issued and such other information as may be required under 7 M.R.S.A. §3922-B.

Sec. 5-512 Rabies Tags

Rabies tags obtained from a veterinarian for immunization against rabies must be securely attached to a collar of leather, metal or material of comparable strength that must be worn by the dog for which the tag was issued except when the dog is hunting, in training, or in an exhibition or on the premises of the owner. When the dog is hunting, in training, or in an exhibition, its owner shall produce proof of licensure and proof of rabies immunization within twenty-four (24) hours upon request of the Animal Control Officer.

Sec. 5-513 Violations/Penalties

1. Any persons who violate Sec.5-508, Animal Noise, shall be subject to civil penalties for each violation, as established by the Board of Selectmen.
2. Any person who violates any other section of this Ordinance shall be subject to a civil penalty of not less than $100.00 and not more than $500.00 plus costs for each offense.
3. All civil penalties collected pursuant to this Ordinance shall be recovered to the use of the Town of Farmingdale and deposited in a separate account as required by 7 M.R.S.A. Section 3945.
4. A person issued a civil violation citation for violating this Ordinance may elect to pay the minimum penalty specified above for each violation alleged in the citation, in lieu of appearing in court to answer the citation. Such payment must be received at the Office of the Town Clerk in the amount specified by the Animal Control Officer by the seventh day prior to the court appearance date specified in the citation. Upon receipt of such payment by the Clerk, the Animal Control Officer shall cause the citation to be dismissed. However, the violations alleged in the citation shall be deemed admitted for purposes of assessing any future penalties under this section.

Sec. 5-514 Impoundment Fee

An owner may reclaim an impounded animal by first paying to the Kennebec Valley Humane Society (KVHS) an impoundment fee as determined by the KVHS. The fee

presently consists of $20.00 for each animal impounded ($35.00 for the second offense, and $45.00 for the third and subsequent offenses.)

Sec. 5-515 Fee

Any fee may be reviewed in Appendix 1, “Fee Schedule”. The impoundment fee is subject to revision by KVHS.

Sec. 5-516 Severability Clause

If any part of this ordinance is held invalid, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this ordinance.

Effective Date: March 27, 2010,

Revised: June 28, 2014

ARTICLE 6 LICENSING OF TRANSIENT SELLERS

Sec. 5-601 Definitions

1. Consumer means any person who purchases or contracts for the purchase of food or merchandise for any purpose except for resale in the ordinary course of trade or business.
2. Employee means any independent, agent or person working for compensation of any kind.
3. Food means all types of food except fresh food products grown on the premises.
4. Merchandise includes any objects, wares, goods, promises, commodities, intangibles, services or other things of value.
5. Permanent place of business means any building or other permanently affixed structure, including a home residence which is owned or leased for more than a 12-month period, by a seller of food or consumer merchandise and is used in whole or in part for the purpose of engaging in sales of food or consumer merchandise.
6. Person includes natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations and any other legal entities.
7. Sales includes any sale, transfer, exchange, or barter, offer for sale, promise to sell, attempt to sell, or advertisement for sale, of any food or merchandise for cash, credit, or other consideration.
8. Transient seller means a "transient seller of consumer merchandise" as defined in 32 M.R.S.A. § 4681 and any person who engages in the business of selling merchandise or food to consumers within the Town and who does not have a permanent place of business within the Town. Transient sellers does not mean to include persons who set at public fairs or expositions or members of non-profit public service organizations selling on behalf of such organizations.

Sec. 5-602 Prohibition

No transient seller, or employee thereof, may engage in the sale of food or merchandise to consumers within the Town without a license issued by the Town Clerk. No person may sell any food or merchandise upon or within a public way.

Sec. 5-603 License Required

Every transient seller and employee thereof shall have a valid license in that person's possession at all times when engaging in the sale of food or merchandise in the Town and shall present the license for inspection at the request of any person. Any person who sells merchandise or food to consumers, on property that is not that persons permanent place of business and who does not possess a valid license hereunder, shall upon the request of the Code Enforcement Officer or any Selectman or Constable, show evidence that such person is exempt from the requirements of this Article.

Sec. 5-604 License Applications

Any person who desires to be a transient seller shall obtain license from the Town Clerk for the transient seller and for any employee thereof. The Town Clerk shall issue a license and employee license within three (3) business days after receiving a completed application and payment of the required fees. All persons who are "transient sellers of consumer merchandise" as defined in 32 M.R.S.A. § 4681 shall file with their application, a true copy of the application filed with the Maine Department of Business Regulation and a

true copy of the registration certificate issued by the Department. Applications shall be in the form provided by the Town Clerk.

Sec. 5-605 License Duration: Fees

1. A transient seller's license and related employee licenses shall be effective for a period of ninety (90) days after the date of their issuance.
2. The fee for a transient seller's license is noted in the Appendix 1 “Fee Schedule”.

Sec. 5-606 Enforcement: Violations: Penalties

1. This Article may be enforced by the Code Enforcement Officer or any Selectman or Constable, who are each authorized to order the immediate cessation of any activity in violation of this Article.
2. Any person who violates any provision of this Article, or who makes any material misrepresentation in a license application or to an enforcement officer shall be subject to a civil penalty of $200 for each violation. A separate violation shall be deemed to have occurred on each day a violation continues to exist.

ARTICLE 7 MISCELLANEOUS OFFENSES AND NUISANCES

Sec. 5-701 Discharge of Firearms

It shall be unlawful for a person to discharge any type of firearm, within any portion of the Town situated east of the easterly line of the right of way of the Maine Turnpike, during the period of October 30 through December 10 of each year, except as expressly provided herein. The term "firearm" as used herein shall not include shotguns and muzzle-loaders. A "muzzle-loader" means a rifled or smooth bored firearm that is: forty caliber or greater, capable of firing only a single charge; loaded through the muzzle with powder and bullet or ball; and ignited by percussion cap or priming charge of a flint, match or wheel lock mechanism.

Effective: March 23, 1996

ARTICLE 8 ADULT USE ESTABLISHMENTS

Sec. 5-801 Findings

There is convincing documented evidence that sexually oriented businesses, because of their very nature, have negative secondary effects on surrounding areas. Research and studies of municipalities throughout this country indicate that the presence of sexually oriented businesses is consistently and strongly associated with perceived decreases in value of both residential and commercial properties and the facilitation of illicit and undesirable activities. This evidence is relevant to issues facing the Town. It is recognized that sexually oriented businesses can adversely affect the character and quality of life of a town and can be incompatible with surrounding uses, particularly when the sexually oriented businesses are concentrated within a limited geographic area or are located in proximity to residences, day care centers, schools, houses of worship, public parks or recreational areas, or another sexually oriented business. A police power ordinance is a proper and reasonable means of controlling the negative secondary effects of sexually oriented businesses.

Sec. 5-802 Purpose

The regulations of this Article are not directed at the content of speech, but are directed at the negative secondary effects of sexually oriented businesses. The purpose of this Article is to regulate the time, place and manner of operation of sexually oriented businesses. It is intended to regulate and to annually license sexually oriented businesses; and to prevent their location in proximity to residences, day care centers, schools, houses of worship, public parks or recreational areas, or another sexually oriented business. Regulations of these uses are necessary to insure that the negative secondary effects will not contribute to the blighting or downgrading of the surrounding areas or the Town at large. The purpose of this Article is not to prohibit sexually oriented businesses from operating in the Town, but to regulate their location and manner of operation, while providing a reasonable opportunity for such businesses to exist.

Sec. 5-803 Definitions

The following terms as used in this Article and for the purpose of this Article have the meanings ascribed to them below:

1. Adult amusement store, means an establishment having as a substantial or significant portion of its sales or stock in trade, sexual devices or printed material including pictures and photographs or films for sale or viewing on premises that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or an establishment with a portion of the premises devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, the exclusion of minors from the establishment's premises, or any other factors showing that the establishment's primary purpose is to purvey such material.
2. Adult motion picture theater, means an enclosed building used regularly and routinely for presenting motion picture or video material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
3. Adult entertainment cabaret, means a public or private establishment which:

A. features topless dancers, strippers, male or female impersonators, or erotic dancers;

B. features entertainers who display "specified anatomical areas";

C. features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or entertainers who engage in, or engage in explicit simulation of, "specified sexual activities;" or

D. offers Sadomasochistic acts or Bondage and discipline to patrons.

4. Adult spa, means an establishment or place primarily in the business of providing a steam bath or sauna, bathing or hot tub services, or "rub-down" or other massage services, and at which (1) a person's specified anatomical areas are not touched, rubbed, massaged or manipulated in any manner by another person with or without the aid of any instrument or device, or (2) a person's specified anatomical areas are exposed while that person touches, rubs, massages or manipulates any part of the body of another person, with or without the aid of any instrument or device, or (3) specified sexual activities are permitted to occur.

5. Sexually oriented business, means Adult amusement stores, Adult movie theaters, Adult entertainment cabarets, or Adult spas, as defined herein, or any business where specified sexual activities are displayed, depicted, described or simulated as a regular and substantial part of its operation.

6. Erotic dance, means a form of dance, which seeks, through one or more dancers, to arouse or excite the sexual desire of a patron or patrons.

7. Residence, means any structure, which is principally used *as* a dwelling including, without limitation, a single family or multi-family house, an apartment, a condominium, or a mobile home.

8. Sadomasochistic acts, or Bondage and discipline, means respectively, flagellation, torture or punishment by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained while so clothed or by a person so clothed.

9. Sexual device means a device or object the primary purpose of which is to provide direct sexual stimulation to male or female genitals or anus.

10. Specified criminal activity, means a criminal conviction for any of the following offenses: prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar sex-related offenses to those described above under the Maine Criminal Code or statutes of other states, the United States or any other nation or province, and for which:

A. less than two (2) years have elapsed since the date of conviction or the date of release form confinement imposed for the conviction, whichever is the later date, if the conviction is for an offense punishable by a maximum term of imprisonment of less than one year;

B. less than five (5) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is for an offense punishable by a maximum term of imprisonment of one year or more;

C. less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement imposed for the last conviction, whichever is the later date, if the convictions are for two or more offenses or combination of offenses occurring within any twenty-four (24) hour period, and all such offenses are punishable by maximum term of imprisonment of less than one year.

11. Specified sexual activities, means:

A. Human genitals in a state of sexual stimulation or arousal;

B. Acts of human masturbation, sexual intercourse, any sexual act or sexual contact as defined by Maine law, or sodomy;

C. Fondling or other touching of human genitals, pubic region, buttock or female breast.

12. Specified anatomical areas, means:

A. Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttocks or (c) female breast below a point immediately above the top of the areola; and

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Sec. 5-804 License required

A person wishing to operate an sexually oriented business shall obtain an annual license (a) prior to opening the person's establishment, (b) prior to expiration of a the person's current annual license, and, (c) prior to the expiration of the amortization period established in section 5814 of this Article if a sexually oriented business is in existence on March 30, 2002.

Sec. 5-805 Application; Investigation and issuance of license

1. Application. An applicant for sexually oriented business license shall:

A. Complete and. file an application prescribed by the Board of Selectmen;

B. Deposit a license fee of $250 and a $50 processing fee in advance with the Town Clerk;

C. Submit the completed application to the Town Clerk, together with attested copies of the articles of incorporation and bylaws, if the applicant is a corporation, evidence of partnership, if a partnership, or articles of association and bylaws, if the applicant is an association, as well as a list of all officers and directors;

D. File an sworn affidavit, which states the names of all owners, officers, managers or partners of the applicant, and their places of residence at the time of the application and for the immediately preceding three (3) years;

E. File the release authorized by 16 M.R.S.A. §620(6) (Criminal History Record Information Act) with the application, for the applicant and each officer, owner, manager or partner of the applicant;

F. Submit evidence of right, title or interest in the premises in which the sexually oriented business will be sited, along with the written consent of the owner of the premises for such use if applicant is not the owner;

G. State the date of initiation of the sexually oriented business and the nature of the business with a description of the nature of all products and services offered to customers.

H. Submit evidence of compliance with Section 5-810 of this Article and evidence that there is no basis for denial of a license to applicant under the standards listed in Section 5-806 of this Article.

2. Investigation of applicant, officers. Upon receipt of an application or notice of a change of the owners, officers, managers or partners of the applicant:

   A. The Town Clerk, upon receipt of a completed application, shall immediately send a copy of the complete application to the Town officials referenced in paragraphs B through E below. The Town Clerk shall also immediately consult with the Chairman of the Board of Selectmen and then arrange for public notice of a public hearing on the application in a newspaper of general circulation and by mail to owners of lots within 1000 feet of the proposed location of the structure, at least ten days prior to the public hearing before the Board of Selectmen. The costs of publication, certified mail postage, and other expenses related to the hearing shall be paid from the processing fee. After receipt of required reports from Town officials, the Town Clerk shall forward the application and other documents to the Board of Selectmen for public hearing and final decision. The hearing shall be held within thirty (30) days after receipt of a complete application by the Town .Clerk and a decision shall be made within three (3) business days thereafter.

   B. The Health Officer, within fifteen days of notice, shall inspect the location or proposed location to determine whether the applicable laws relating to health and safety have been satisfied and then report findings in writing to the Town Clerk;

   C. The Fire Chief, within fifteen days of notice, shall inspect the location or proposed location of the business to determine if applicable State and fire and safety regulations have been satisfied and then report findings in writing to the Town Clerk;

   D. A constable or other law enforcement officer shall investigate the applicant, including the criminal history record information required under Section 805(1)(E), and then report findings in writing to the Town Clerk; and

   E. The Code Enforcement Officer, within fifteen days of notice, shall verify that the proposed premises of the establishment will comply with Section 5-810 and with all other applicable State and Town laws and land use codes of the Town and then report findings in writing to the Town Clerk.

3. Issuance of license. The Board of Selectmen, after notice and public hearing, shall determine whether the application and documents submitted comply with all of the requirements of this Article. The license shall be issued upon determination by the Board of Selectmen, based upon the record, including evidence and testimony at the public hearing, that the application meets the requirements of this Article. The license may not be transferred or assigned.

Sec. 5-806 Standards for denial

An application for a sexually oriented business license shall be denied by the Board of Selectmen in the following circumstances:

1. the applicant is a corporation or other legal entity that is not authorized to do business in the State of Maine;
2. the applicant is an individual who is less than 18 years of age;
3. the applicant has submitted an incomplete application, knowingly made an incorrect statement of a material nature, or failed to supply additional information required by the

Town Clerk or Board of Selectmen that is reasonably necessary to determine whether the license is issuable;

4. the applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has been denied a sexually oriented business license for knowingly making an incorrect statement of a material nature within the immediately preceding five years;
5. the applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has had a license granted pursuant to this Article or a similar ordinance provision in any other municipality revoked for any reason during the immediately preceding five years;
6. the applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has committed any Specified Criminal Activity as defined herein;
7. the site on which the sexually oriented business is proposed is a prohibited site under Section 5-810; or
8. the application in any other way fails to meet the requirements of this Ordinance.

Sec. 5-807 Standards for suspension; Revocation

A sexually oriented business license may be suspended or revoked by the Board of Selectmen after notice and hearing upon a finding that the licensee has violated any provision of this Article.

Sec. 5-808 Age restriction

No sexually oriented business may permit any person under the age of 18 years on the premises in which the sexually oriented business is located.

Sec. 5-809 Display of License; Prices charged and names of owners or officers to be prominently displayed.

A sexually oriented business licensee must display the sexually oriented business license at all times in an open and conspicuous place in the sexually oriented business for which the license has been issued. Sexually oriented business licensees must also display at all times in an open and conspicuous place in the sexually oriented business a complete list of the names of owners and officers of the sexually oriented business and a complete list of fees, prices and charges for all food, beverages, goods, wares, merchandise or services offered by the business.

Sec. 5-810 Prohibited sites, Site Requirements

1. A sexually oriented business may not be sited within 1,000 feet of the lot lines of any of the following:
   A. a church, synagogue or other house of religious worship;
   B. a public or private elementary or secondary school;
   C. a residence;
   D. a day care facility;
   E. a public park or public recreational facility;
   F. another sexually oriented business.

The distance cited in this section shall be measured between any structure used as a sexually oriented business and the lot line of the site of the use listed in (A) through (F) above at their closest points.

2. A sexually oriented business must have a separate driveway entrance, parking area and signage at least 200 feet from any driveway entrance or signage of any of the following:
   A. a church, synagogue or other house of religious worship;
   B. a public or private elementary or secondary school;
   C. a residence;
   D. a day care facility;
   E. a public park or public recreational facility;
   F. another sexually oriented business.
3. A sexually oriented business must have a continuous 6 foot high solid fence along all boundary lines it has in common with any of the following:
   A. a church, synagogue or other house of religious worship;
   B. a public or private elementary or secondary school;
   C. a residence;
   D. a day care facility;
   E. a public park or public recreational facility;
   F. another sexually oriented business.
4. A lawful existing sexually oriented business, at the time of renewal of a not yet expired valid license, shall not be in violation of the site requirements of Section 5-810 by the subsequent location of a residence, day care center, school, house of worship, or public park or recreational area, at a site that would otherwise conflict with the site requirements of this Section.

Sec. 5-811 Interior Layout of Sexually Oriented Business

1. Any sexually oriented business having available for customers, patrons or members, any booth, room or cubicle for any private viewing of any adult entertainment shall comply with the following requirements:
   A. Access. Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the sexually oriented business, and shall be unobstructed by any door, lock or other control-type device.
   B. Construction. Every booth, room or cubicle shall meet the following construction requirements:
      1) Each booth, room or cubicle shall be separated from adjacent booths, rooms and cubicles and any non-public areas by a wall.
      2) Each booth, room or cubicle must have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying the booth, room or cubicle.
      3) All walls shall be solid and without any openings, extended from the floor to a height of not less than six feet and be light-colored, non-absorbent, smooth textured and easily cleanable.

4) The floor must be light-colored, non-absorbent, smooth textured and easily cleanable.

5) The lighting level of each booth, room or cubicle, when not in use shall be a minimum of ten foot candles at all times, as measured from the floor.

C. Occupants. No more than one individual shall occupy a booth, room or cubicle at any time. No occupant of a booth, room or cubicle shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.

2. Any adult motion picture theater shall comply with the following requirements:

A. Aisle lights and overhead lights in the theater shall be kept on during business hours and shall illuminate to a minimum of ten-foot candles except when motion pictures are being shown;

B. No standing shall be allowed in the theater;

C. Signs shall be posted warning patrons that sexual activity is prohibited in the theater, and informing them of the presence of surveillance cameras; and

D. Theater employees shall regularly patrol the theater during business hours and eject persons found to be engaged in sexual intercourse, a sexual act, sexual contact or any criminal activity. Incidents of sexual intercourse, sexual acts, sexual contact or criminal activity in the theater shall be immediately reported to a law enforcement officer.

3. Rest room must be individual rooms and shall not contain facilities for more than one person at a time. No more than one person may be in the rest room with the door closed at any time.

Sec. 5-812 Prohibited activities

1. All acts of public indecency, as defined in 17-A M.R.S.A. §854, are prohibited in sexually oriented businesses.
2. Dancers, performers, employees, owners or officers of a sexually oriented business shall not fondle or caress any patron or client, and patrons and clients shall not fondle or caress dancers, performers, employees, owners or officers of the sexually oriented business.
3. Dancers, performers, employees, owners or officers of a sexually oriented business shall not commit or perform, or offer or agree to commit or perform, any specified sexual activity either alone or with each other or any patron or client of the sexually oriented business; and
4. Patrons and clients of sexually oriented businesses shall not commit or perform, or offer or agree to commit or perform, any specified sexual activity either alone or with any dancer, performer, employee, owner, officer, patron or client of the sexually oriented business.

Sec. 5-813 Dancers and other performers

A sexually oriented business must observe the following restrictions on dancers and the performers:

1. All dancing or other performances must occur on a platform intended for that purpose which is raised at least two feet from the level of the floor.

2. No dancing or other performance shall occur closer than ten feet from any patron, and no patron shall be allowed to be closer than ten feet from any dancer or other performer.

Sec. 5-814 Amortization of sexually oriented businesses lawfully existing as of the date of the adoption of this Article.

A sexually oriented business lawfully existing on March 30, 2002 shall be permitted to continue to operate as a lawfully non-conforming use without complying with the licensing requirements, location requirements and other terms and standards of this Article for a period of time determined by consideration of the length of time during which the sexually oriented business lawfully existed prior to the adoption of this Article. This amortization period shall be determined according to the following table:

Months of Operation of Existing Business prior to March 30, 2002	Period of Time after March 30, 2002 before Existing Business must fully comply with this Article
Less than 6 months	6 months
6 months to 36 months	one year
36 months to 72 months	two years
72 months to 120 months	three years
Greater than 120 months	five years

During the amortization period, a lawfully existing sexually oriented business may not be increased, enlarged, extended or altered, including any increase or change in the nature of products or services provided to customers, except that the use may be changed to a conforming use. At the end of the amortization period, an existing sexually oriented business shall have either obtained a license in full compliance with this Article or have ceased operation.

Sec. 5-815 Fees

Reference Appendix 1 “Fee Schedule” for applicable fee.

Sec. 5-816 Enforcement

A violation of this Article is a civil violation and the civil penalties and remedies under Section 1-109 of this Code shall apply. The owner of the premises on or in which the sexually oriented business is located, who is not the licensee of the sexually oriented business, is jointly and severally liable with the licensee for any violation of Sections 5-810 through 5-813. The Article shall be enforced by the Code Enforcement Officer, in conjunction with the Board of Selectmen. If court action is required to enforce this Article, the Town shall be awarded its enforcement costs, including its reasonable attorney's fees.

Sec. 5-817 Severability

If any section, phrase, sentence or portion of this Article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Sec. 5-818 Appeals

An appeal from any final licensing, denial, suspension or revocation decision of the Board of Selectmen may be taken by an aggrieved party to Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure. Service of Process shall

be served on the Town Clerk or any Selectman. The Town shall file its responsive pleadings and record of proceedings with the Court not later than ten (10) business days after service of the summons and complaint. Additionally, the Town shall submit its responsive brief within fourteen (14) days after receipt of the plaintiff's brief, and shall move for an expedited hearing. All enforcement action, if any, shall be stayed during the pendency of the Rule 80B appeal.

Effective Date: March 30, 2002

Revised: June 28, 2014

ARTICLE 9 RESIDENCY RESTRICTIONS FOR SEX OFFENDERS

Sec. 5-901 Authority

This ordinance is enacted pursuant to 30-A M.R.S.A, section 3014. This ordinance is intended to be coextensive with the maximum residency restrictions permitted by Title 30-A M.R.S.A, section 3014.

The Planning Board, with assistance from the Code Enforcement Officer, shall prepare, maintain and file with the Town Clerk an official map showing prohibited locations as defined by this ordinance. The Planning Board will update the map at least annually to reflect any changes in the locations of any Restricted Property and Setbacks and file the updated map with the Town Clerk. Any duly authorized constable of the Town of Farmingdale shall have the authority to issue citations for violations of this ordinance.

Sec. 5-902 Definitions

1. Setback. A 750 foot radius surrounding the "Restricted Property."
2. Designated Sex Offender (s). Person(s) convicted of Class A, B or C sex offenses committed against persons who had not attained 14 years of age at the time of the offense
3. Property Owner. Property owner means the person owning real estate affected by this ordinance as shown by the current tax maps on file in the Office of the Town Clerk.
4. Residence. The temporary or permanent occupation or use of a place, including but not limited to a domicile, for the purpose of living, residing or dwelling.
5. Restricted Property. The real property comprising a public or private elementary, middle or secondary school. The real property comprising a municipally owned property or state-owned property that is leased to a nonprofit organization for purposes of a park, athletic field or recreation facility that is open to the public where children are the primary users. See Section 6 Restricted Property.

Sec. 5-903 Restrictions

1. No Designated Sex Offender shall reside within a 750 foot Setback of any Restricted Property.
2. No Property Owner may lease, rent or allow residential use of real property by a Designated Sex Offenders within the 750 foot Setback from any Restricted Property.

Sec. 5-904 Exceptions

1. A Designated Sex Offender maintaining a residence within the Setback from Restricted Property is not in violation if the residence was established and consistently maintained as a residence prior to the date of passage of this ordinance. A Designated Sex Offender is not in violation of this ordinance if the Restricted Property is created, moved or enlarged which results in a Designated Sex Offender residing in a Setback as long as the residence was in place and consistently maintained prior thereto.
2. A Property Owner leasing or renting a residence for use by a Designated Sex Offender within the Setback of a Restricted Property is not in violation if the residence was established and consistently maintained as a residence prior to the date of passage of this ordinance. A Property Owner is not in violation of this ordinance if the Restricted Property is created, moved or enlarged which results in a Designated Sex Offender residing in the Setback as long as the residency was in place prior to the creation, movement or enlargement and the residency has been consistently maintained.

Sec. 5-905 Violation; injunctive relief and penalties

1. A Designated Sex Offender who, thirty (30) days after written notice from the Town of Farmingdale, is in violation of this Article shall be subject to an action brought by the Town of Farmingdale to enforce the requirements of this ordinance. The Town of Farmingdale may seek injunctive relief to require compliance with the provisions of this ordinance.

   The Town of Farmingdale may also seek a penalty in the minimum amount of $500.00 per day, for each day of violation of this Article after thirty (30) days. In the event the Town of Farmingdale is the prevailing party in any action under this Ordinance, is shall be entitled to an award of its reasonable attorney's fees, court costs and the costs of any expert witness fees incurred by the Town of Farmingdale.

2. Property Owners who, thirty (30) days after written notice from the Town of Farmingdale lease or rent any residence to a Designated Sex Offender within the Setback from a Restricted Property shall be subject to an action brought by the Town of Farmingdale to enforce the requirements of this ordinance. The Town of Farmingdale may seek injunctive relief to require compliance with the provisions of this ordinance.

   The Town of Farmingdale may also seek a penalty in the minimum amount of $500.00 per day, for each day of violation of this Article after thirty (30) days. In the event the Town of Farmingdale is the prevailing party in any action under this Ordinance, it shall be entitled to an award of its reasonable attorney's fees, court costs and the costs of any expert witness fees incurred by the Town of Farmingdale.

   Any duly authorized constable of the Town of Farmingdale shall have the authority to issue citations for violations of this ordinance.

Sec. 5-906 Restricted Property

The following properties are designated as Restricted Properties because children are the primary users:

1. Schools.
   A. RSU 2 Middle School
   B. RSU 2 High School

Effective: June 28, 2014

ARTICLE 10 CABLE TV SYSTEM FRANCHISES AND REGULATION

Sec. 5-1001 Authority of the Board of Selectmen to Grant Franchise Agreements

The Board of Selectmen is authorized to contract on such terms and conditions as are in the best interest of the Town for the placement and maintenance of cable television systems and appurtenances or parts thereof along public ways and easements within the Town of Farmingdale, pursuant to the provisions of this Article and 30-A M.R.S.A. § 3008. Any franchise granted by the Board of Selectmen may, however, within two years prior to the expiration of a franchise agreement permit a renewal of the franchise for a period not to exceed an additional five years, with such amendments as the Board of Selectmen may deem appropriate.

Sec. 5-1002 Content of Franchise Agreements

Each franchise agreement must, as a minimum, contain provisions relating to the following:

1. The duration of the franchise agreement and provisions for renewal, if any;
2. The area or areas to be served by the franchise grantee;
3. The services to be provided to subscribers, billing procedures, the investigation and resolution of complaints, and other subscriber rights;
4. Public access, and services provided to Town government and School Administrative District 16 with respect to the use of the cable television system facilities;
5. Construction standards with respect to the installation of cable television systems and appurtenances or parts thereof;
6. System design technical standards, and provisions for the orderly integration of available new technology;
7. Maintenance and repair of the cable television system;
8. Minimum insurance requirements and indemnification of the Town by the franchise grantee;
9. A specific policy with respect to the extension of lines and services to persons not served;
10. The regulation of rates charged by the franchise grantee and notice and opportunity for public comment with respect to changes in rates;
11. Notice and opportunity for public comment on program availability and content, and changes thereto;
12. The revocation or termination of the franchise agreement;
13. Remedies for breach of the franchise agreement by the franchise grantee, including penalties and/or liquidated damages;
14. Appropriate representations, warranties and covenants of the franchise grantee with respect to its authority, its ability to carry out the franchise agreement, and the services to be provided;
15. Required notices, reports and records to be given or maintained by the franchise grantee; and

16. Reimbursement of all expenses incurred by the Town with respect to the granting of the franchise agreement, including reasonable legal fees, consulting fees, and costs of public notices and advertising.

Sec. 5-1003 Franchise Applications

The Board of Selectmen may require any persons seeking a franchise agreement for the operation of a cable television system to provide any information that may be reasonable and applicable to the Board of Selectmen's consideration of a franchise agreement, including, but not limited to, the following:

1. Certifications with respect to the applicant's legal existence and authority;
2. A description of the applicant's organizational structure and identification of all persons with a significant financial interest in the applicant, including shareholders, and creditors;
3. Audited financial statements;
4. Pro forma operating statements and projections;
5. Previous cable operating experience;
6. Financial and technical ability and capacity to perform the proposed services;
7. The ability to introduce technical improvements; and
8. All matters relating to the minimum provisions in a franchise agreement as outlined in Section 5-902 above.

The Board of Selectmen may charge any such applicant a reasonable nonrefundable filing fee to defray costs of public notices, advertising, legal fees, consulting fees, and other expenses incurred in reviewing and considering an application.

Sec. 5-1004 Franchise Fees

Except as expressly provided by this ordinance, no franchise agreement shall provide that a franchise grantee pay the Town a franchise fee. Each franchise agreement granted by the Board of Selectmen shall provide that, if this ordinance is amended by the Board of Selectmen to require a franchise fee, the franchise agreement shall be deemed amended to incorporate by reference the provision of the ordinance establishing such fee, provided, however, the franchise grantee shall be given twelve (12) month's written notice before payment of such fee is required.

Sec. 5-1005 Public Notice and Opportunity for Comment

1. Prior to the approval and execution of a franchise agreement by the Board of Selectmen, there shall be published in the Kennebec Journal, on at least two separate days, a public notice stating that:
   A. The proposed franchise agreement and all papers submitted by the franchise applicant are on file at the office of the Town Clerk and are available for inspection and review by the public.
   B. The Board of Selectmen will conduct a public hearing with respect to the proposed franchise agreement, and the date, time, and place of the hearing.
2. All interested persons may submit written comments to the Town Clerk relative to the proposed franchise agreement and information submitted by the applicant for consideration by the Board of Selectmen not later than three business days prior to the date of the public hearing.

3. The first date of publication shall be at least twenty-one (21) days prior to the date of the public hearing, and the last date of publication shall be at least fourteen (14) days prior to the date of public hearing. Additionally, the notice shall be posted at the Town Office and at least one other public place within the Town.
4. Prior to the issuance by the Town of a request for proposals to enter into a cable television franchise agreement, the Board of Selectmen shall provide an opportunity for public review and comment in the same manner provided above.
5. All franchise applications and related documents filed with the Town are public records.
6. For the purpose of this Section, franchise agreement includes any amendment to a franchise agreement.

ARTICLE 11 PROHIBITING RETAIL MARIJUANA ESTABLISHMENTS & RETAIL SOCIAL CLUBS

Sec. 5-1101Authority

This Ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Maine Constitution, Article VIII, part 2; and 30-A M.R.S.A. § 3001.

Sec. 5-1102Definitions

For purposes of this Ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2442.

Sec. 5-1103Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs

1. Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in the Town of Farmingdale
2. No application for a proposed retail marijuana establishment or retail marijuana social club shall be processed.
3. No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product, as defined by 7 M.R.S.A. § 2442.
4. Nothing in this Ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C.

Sec. 5-1104Effective date; duration

This Ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

Sec. 5-1105Penalties

This Ordinance shall be enforced by the Town of Farmingdale Board of Selectmen or their designee. Violations of this Ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.

Effective Date: June 13, 2017

ARTICLE 12 MEDICAL CANNABIS ORDINANCE

Sec. 5-1201 Authority

The purpose of this ordinance and related guidelines is to regulate the cultivation, processing, storage, and distribution of medical cannabis consistent with the Town of Farmingdale Code of Ordinances and the Maine Medical Use of Marijuana Act (Maine Revised Statutes Title 22, Chapter 558-C). The Planning Board of the Town of Farmingdale shall be responsible for administering this ordinance. The Code Enforcement Officer shall be responsible for enforcing this Ordinance, violations of which may be prosecuted pursuant to Rule 80K of the Maine Rules of Civil Procedure.

Sec. 5-1202 Application and Approval Process

Any proposal to establish a new, or alter an existing, medical cannabis registered dispensary or medical cannabis production facility shall require a permit and approval of the Planning Board. The Planning Board and applicant shall follow the performance standards of this ordinance. A person or entity seeking a permit shall submit the following information in writing to the Town Clerk:

1. A description of the project;
2. A copy of the deed, lease, signed purchase agreement, or other documentation demonstrating the right, title and interest of the applicant;
3. The name and address of the applicant and record owner, if different;
4. A sketch depicting the property boundaries, size and shape of all buildings, layout of parking areas, and locations of outdoor signage and storage areas;
5. Plans for any improvements to the property including any proposed exterior lighting.

All property owners within 500 linear feet, measured in a straight line from the property boundary of the proposed dispensary or facility shall be considered abutters and shall be provided with notification of all site walks and public hearings. A “public hearing” shall mean a Planning Board meeting at which the applicant and all interested members of the public shall have an opportunity to provide comment on the proposed application.

The Town Clerk shall notify the abutters by mail at least seven (7) days before the scheduled site walk or public hearing. In addition to other public notification requirements, the town shall notify the Kennebec County Sheriff’s Office, the Maine Department of Health and Human Services – Center For Disease Control and Prevention (or its successors), and the Maine Revenue Services prior to the public hearing on any application. The Planning Board shall issue a written decision on the permit application within 30 days of the date of the public hearing. Any person aggrieved by the decision of the Planning Board may appeal the decision to the Farmingdale Board of Appeals within 30 days of the date of the written decision.

The Planning Board may charge to an applicant, in addition to the Application fee, such costs as it deems necessary and reasonable for independent studies, reviews, or reports that the Planning Board may determine are required to provide technical review of the application over and above those furnished by the applicant. The appropriate Application fee, as set by the Farmingdale Board of Selectmen, is provided in Appendix 1.

Sec. 5-1203 Exemptions/Existing and/or Non-Conforming Uses

As an accessory use, medical cannabis home production shall be allowed in any qualifying patient's primary year-round residence (as defined by Maine Revenue Services) or any registered medical cannabis caregiver's primary year-round residence (as defined by Maine Revenue Services) without any requirements for land use permitting. This exemption shall also extend to registered medical cannabis caregivers who cultivate, process or store medical cannabis in a qualifying patient's primary year-round residence (as defined by Maine Revenue Services) for that qualifying patient's sole use.

Any medical cannabis production facility or dispensary lawfully existing at the time of the adoption of this Ordinance must obtain a permit from the Planning Board within 12 months of the date of adoption of this Ordinance. The Planning Board may allow an existing production facility that exceeds the allowed number of registered caregivers provided in Section 5-1204 (2) below to continue operations with its existing number of registered caregivers so long as all other performance standards in Section 5-1204 can be met.

Sec. 5-1204 Performance Standards

Before submission of an application, the applicant must demonstrate to the Planning Board their authorization to cultivate process, store and distribute medical cannabis pursuant to the Maine Medical Use of Marijuana Act (Maine Revised Statute Title 22, Chapter 558-C.) In addition to other requirements of this section and related provisions of the Town of Farmingdale Code of Ordinances, the following shall apply to any application for a new or expanded medical cannabis registered dispensary or a medical cannabis production facility:

1. Medical Cannabis Registered Dispensary Limit

   There shall be no more than one medical cannabis registered dispensary in The Town of Farmingdale.

2. Medical Cannabis Production Facility Limit

   There shall be no more than four registered medical cannabis caregivers allowed to operate within a single medical cannabis production facility.

3. Density Limit

   Only one medical cannabis production facility shall be permitted per lot. This

separation requirement will prevent a concentration of these facilities and helps to ensure compliance with the State prohibition against collectives.

4. Proximity Location to Other Uses

No medical cannabis registered dispensary or medical cannabis production facility shall be closer than 500 linear feet, measured in a straight line from the dispensary or facility building entrance, to the nearest point on the boundary of any property which is occupied by an existing medical cannabis production facility, licensed day care facility, school, church or town owned property (excluding town owned roads).

5. Security

Before granting a permit, the Planning Board shall require that the applicant has reviewed the applicant's property and building security plans with the Kennebec County Sheriff's Department and the Sheriff's Department finds the security measures are consistent with the applicable state requirements in the Maine Medical Use of Marijuana Act (Maine Revised Statutes Title 22, Chapter 558-C).

6. Outside Appearance

No signs containing the word "marijuana", "cannabis", "420", "710" or any other terms to indicate medical cannabis presence, or any graphics/images such as a green cross or any portion of a marijuana plant or otherwise identifying medical cannabis shall be erected, posted or in any way displayed on the outside of a medical cannabis registered dispensary or a medical cannabis production facility. Interior advertisements, displays of merchandise or signs depicting the activities of a medical cannabis registered dispensary or a medical cannabis production facility shall be screened to prevent public viewing from outside such facility.

7. Odorous Air Contaminants

It shall be an unlawful nuisance for any person to cause or permit the emission of odorous air contaminants from any source so as to result in detectable odors that leave the premises upon which they originate and interfere with the reasonable and comfortable use and enjoyment of property.

8. Proposed Location

All applications for medical cannabis registered dispensaries and medical cannabis production facilities shall be accompanied by a detailed map indicating the proposed location of the facility.

9. Safety

Before granting a permit, the Planning Board shall require that the applicant submit an inspection and capacity report prepared by a licensed Maine electrician for the maximum requirements of the proposed use. In addition, the Planning Board shall require that the applicant submit a full list of all chemicals to be stored at the proposed site, including carbon dioxide

and propane canisters, together with a letter from the Farmingdale Fire Chief acknowledging the department's capability to adequately address any hazardous situation that may be presented by storage of said chemicals at the proposed site.

Sec. 5-1205 Validity and Severability

Should any section or provision of this ordinance be declared by the courts to be invalid or unlawful, such decision shall not invalidate any other section or provision of this ordinance.

Sec. 5-1206 Definitions

Marijuana: As defined in State Administrative Rules (10-144 CMR Chapter 122)§1.17, "Marijuana."

Medical Cannabis: Cannabis that is acquired, possessed, cultivated, manufactured, used, delivered, transferred or transported to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the qualifying patient's debilitating medical condition.

Medical Cannabis Caregiver: A person, licensed hospice provider or licensed nursing facility that is designated by a qualifying patient to assist the qualifying patient with the medical use of cannabis in accordance with state law. A person who is a registered medical cannabis caregiver must be at least twenty-one (21) years of age and may not have been convicted of a disqualifying drug offense.

Medical Cannabis Land Uses: Any of three (3) types of land uses, defined below, that cover the full range of options for lawful cultivating, processing, storing and distributing medical cannabis.

1. Medical Cannabis Home Production*:* Cultivating, processing and/or storing of medical cannabis by a qualifying patient at their own primary year-round residence or a registered medical cannabis caregiver at their own primary year-round residence for use by a qualifying patient. This definition shall also extend to registered medical cannabis caregivers who cultivate, process or store medical cannabis in a qualifying patient's primary year-round residence for that qualifying patient's sole use. This shall be considered an accessory use.

2. Medical Cannabis Production Facility: A facility used for cultivating, processing, and/or storing medical cannabis by one or more registered medical cannabis caregiver(s) at a location which is not the registered medical cannabis caregiver's primary year-round residence or their patient's primary year- round residence. This shall be considered a commercial use.

3. Medical Cannabis Registered Dispensary*:* A not-for-profit entity registered pursuant to state law that acquires, possesses, cultivates, manufactures,

delivers, transfers, transports, sells, supplies or dispenses cannabis, paraphernalia or related supplies and educational materials to qualifying patients. Note that a dispensary may be either a single facility, or it may be divided into two separate but related facilities where growing is done at only one of the facilities. This shall be considered a commercial use.

_____"S"_____
Attested – Rosemarie Webster – Clerk
Town of Farmingdale
Voted to Approve at the June 14, 2018 Town Meeting

ARTICLE 13 LOCAL FOOD ORDINANCE

Sec. 5-1301 Title

This Ordinance shall be known and may be cited as the "Local Food Ordinance."

Sec. 5-1302 Authority

This Ordinance is adopted and enacted pursuant to Article VIII, Part Second of the

Constitution of the State of Maine, 30-A M.R.S. § 3001, and 7 M.R.S. § 281-286.

Sec. 5-1303 Purpose

The residents of Farmingdale, Kennebec County, Maine, have the right to produce, process, sell, purchase and consume local foods thus promoting self-reliance, the preservation of family farms, and local food traditions.

The purpose of the Local Food Ordinance is to:

1. Provide citizens with unimpeded access to local food;
2. Enhance the local economy by promoting the production and purchase of local agricultural products;
3. Protect access to farmers' markets, roadside stands, farm-based sales and direct producer to patron sales;
4. Support the economic viability of local food producers and processors;
5. Preserve community social events where local foods are served or sold;
6. Preserve local knowledge and traditional foodways.

Sec. 5-1304 Definitions

As used in this ordinance**:**

1. Direct producer-to-consumer transaction:. A face-to-face transaction involving food or food products at the site of production of those food or food products.
2. Patron means an individual who is the last person to purchase any product or preparation directly from a processor or producer and who does not resell the product or preparation.
3. Home consumption means consumed within a private home.
4. Local Foods means any food or food product that is grown, produced, or processed by individuals who sell directly to their patrons through farm-based

sales or buying clubs, at farmer's markets, roadside stands, fundraisers or at community social events. This definition does not include any products containing cannabis, cannabis-related products, or any federally controlled substances.

5. Processor means any individual who processes or prepares products of the soil or animals for food or drink.

6. Producer means any farmer or gardener who grows any plant or animal for food or drink.

7. Community social event means an event where people gather as part of a community for the benefit of those gathering, or for the community, including but not limited to a church or religious social, school event, potluck, neighborhood gathering, library meeting, traveling food sale, fundraiser, craft fair, farmers market and other public events.

Sec. 5-1305 Exemption from Licensure and Inspection

In accordance with 7 M.R.S. § 284, the Producers and Processors of Local Food intended for Direct Producer-to-Consumer Transactions in the Town of Farmingdale shall be exempt from state licensure and inspection, and the State of Maine shall not enforce those state food laws, rules, or regulations with respect to Direct Producer-to-Consumer Transactions.

Sec. 5-1306 Meat and Poultry

This Ordinance is not applicable to any meat or poultry products that are required to be produced or processed in compliance with the Maine Meat and Poultry Products Inspection Program, Title 22, Chapter 562-A, of the Maine Revised Statutes and the rules adopted thereunder.

Sec. 5-1307 Liability Protection; No Waiver of Municipal Immunity

Producers and Processors of Local Food may enter into private agreements with consumers to waive any liability for the consumption of Local Food. Nothing in this Ordinance shall be construed as a waiver of the Town of Farmingdale's immunity from liability pursuant to the Maine Tort Claims Act or any other immunities or defenses available to the Town.

Sec. 5-1308 Effective Date

This Ordinance shall be effective immediately upon its enactment.

Sec. 5-1309 Severability Clause

To the extent any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, such provision will be removed from the Ordinance, and the balance of the Ordinance shall remain valid.

Chapter 6 Traffic Control and Parking

ARTICLE 1 GENERAL PROVISIONS

Sec. 6-101 Civil Penalty for Violations

1. Except as provided herein, the provisions of Section 1-110 of this Code shall apply to this Chapter.
2. Enacted by the Municipal Officers Pursuant to 30-A M.R.S.A. § 3009

ARTICLE 2 TRAFFIC CONTROL

Sec. 6-201 Traffic Infraction

Any violation of the provisions of this Article is a traffic infraction within the meaning of M.R.S.A. 29-A § 101 (85). Any person who violates a provision of this Article shall be subject to the civil penalties provided under 29-A M.R.S.A. § 103 and § 2604, or otherwise provided by statute or Section 1-110 of this Code.

Sec. 6-202 Definitions

Unless otherwise provided in this Article, terms used in this Article shall have the same meanings and definitions used under 29-A M.R.S.A. § 101.

Sec. 6-203 Placement of Debris

1. No debris of any type may be placed within an accepted Town Street, sidewalk or Town owned or maintained parking area which may restrict or impede the normal flow of traffic.
2. No debris of any type may be placed within the Right of Way of a public street except as follows:
   A. If the public street is scheduled for street sweeping, normal lawn debris and sand may be placed within the right of way, in a manner that does not impede or restrict the flow of traffic, for no more than 10 days.
   B. Absolutely no debris shall be placed within the right of way of a public street after street sweeping has been conducted for that location. Any person who violates this provision, after receiving a warning from the Road Commissioner or a constable, shall be subject to a civil penalty as noted in the Fee Schedule. All property owners who violate this provision shall be held jointly and severally liable, together with any tenants or private contractors who may cause the violation.

ARTICLE 3 PARKING

This Ordinance is adopted pursuant to 30-A M.R.S.A. § 3009(C) and shall be known as the Parking Ordinance for the Town of Farmingdale.

Sec. 6-301 Traffic Infractions.

Any violation of the provisions of this Article is a traffic infraction within the meaning of 29-A M.R.S.A. § 101(85). Any person who violates a provision of this Article shall be subject to the civil penalties provided under 29-A M.R.S.A. § 103 and 2604, or as otherwise provided by statute or this ordinance.

Sec. 6-302 Definitions.

Unless otherwise provided in this Article, terms used in this Article shall have the same meanings and definitions used under 29-A M.R.S.A. § 101.

Sec. 6-303 Snow Removal.

No person shall place or deposit snow or ice on or upon the traveled way of any public street or sidewalk. Any person who violates this provision, after receiving a warning from the Road Commissioner or a constable, shall be subject to a civil penalty as noted in the Fee Schedule. Authorized individuals engaged in snow removal activities for the Town of Farmingdale or the State of Maine are exempt from this requirement.

Sec. 6-304 Parking.

1. No vehicle, except for an emergency vehicle on an emergency call, shall stop in such a way as to obstruct any public street or private street or driveway entrance thereto, or sidewalk or crossing except for the purpose of taking on or letting off a passenger, or for loading or unloading freight, for a reasonable and acceptable period of time. An exception may be made in case of an accident or as directed by a police officer or fireman on duty or any authorized construction vehicle involved in actual construction.
2. No vehicle shall park within the intersection of any streets or within twenty (20) feet of a street corner or within seven (7) feet of any hydrant wherever located. An exception may be made in the case of emergency and public utility vehicles.
3. No vehicle shall park within (5) feet of the edge of a Town of Farmingdale maintained roadway so as to cause a visual hazard to passing vehicles.
4. Motor vehicles shall be prohibited from parking facing the flow of traffic on the wrong side of the public way.
5. No vehicle shall be double parked, so called, except by permission of the Chief Constable, Fire Chief or respective designee, except commercial vehicles for the purpose of delivery, pick up or performing other necessary service, and only in such a manner that does not impede the passage of other vehicles.

Sec. 6-305 Winter Parking

Any vehicle parked, disabled, or abandoned on any public way, Town owned or maintained parking lot or any public maintained way that interferes with or hinders the removal of snow or sanding may be removed at the order of a Constable without notice to the owner beginning November 1st and ending April 1st.

Sec. 6-306 Parking Close to Emergency Vehicles (fire, police, ambulance)

1. No person shall park a vehicle, with or without occupants, other than fire or police vehicle or an ambulance, on a public way within one hundred (100) yards of a fire or other emergency in which Emergency personnel are engaged.

2. To protect public safety, the Fire Chief, Chief Constable, or their designated representative shall have the authority to remove any motor vehicle on a public maintained way in the Town of Farmingdale in order to perform their duties as Fire Chief or Chief Constable when there is a public safety concern. This activity will be accomplished at the expense of the registered owner with no liability to the Town, the Chiefs or their designees.

Sec. 6-307 No Parking Where Posted

1. No vehicles shall be parked on any street where it is clearly marked NO PARKING. All No Parking Signs shall be approved by the Board of Selectmen, Maine Department of Transportation or the Superintendent of Schools, as appropriate. The following locations shall be posted with No Parking signs:

Bowman Street.	North side of Bowman Street from 29 Bowman Street to Maine Avenue. South side of Bowman Street from the easterly side of 32 Bowman Street to Maine Avenue.
Hall-Dale Middle and High Schools.	No parking at designated locations.
Hallowell-Litchfield Road.	West side of road southerly from Caldwell Drive for 200 feet.
Northern Avenue.	North side of Northern Avenue from Friendship Lane to Maine Avenue. South side of Northern Avenue from the westerly side of 58 Northern Avenue (across from 59) to Maine Avenue.
Outlet Road.	Easterly side of Jamie Pond Bridge, for 400 feet, both sides of street.

2. The Farmingdale Board of Selectmen voted to enact the No Parking Ordinance for several sections along Maine Avenue effective October 2, 1985 after a public hearing conducted July 1, 1985. This was subsequently approved by the Commissioner, Maine Department of Transportation, October 23, 1985.

   A. There shall be no parking any time on both sides of Maine Avenue (U.S. Route201) beginning at the Hallowell/Farmingdale Town Line and extending southerly to a point opposite CMP Pole #138/99, a distance of approximately 500 ft.

   B. There shall be no parking any time on the westerly side of Maine Avenue (U.S. Route 201) beginning at a point opposite CMP Pole #112, a distance of 275 ft. This area is located in the vicinity of Maine Avenue (U.S. Route 201) and Hasson Street.

   C. There shall be no parking any time on both sides of Maine Avenue (U.S. Route 201) starting at a point opposite CMP Pole #112 (200 ft. southerly of Hasson Street) and extending southerly to a point opposite CMP Pole #78 (approximately 200 ft. southerly of Park Street), distance of 0.50 mile.

   D. There shall be no parking any time on the westerly side of Maine Avenue (U.S. Route 201) beginning at a point opposite CMP Pole #64.1 and extending southerly to a point opposite CMP Pole #59, a distance of 350 ft. This area is in the vicinity of

the intersection of Maine Avenue (U.S. Route 201) and Hill Street (originally Pine Hill Street).

E. There shall be no parking any time on westerly side of Maine Avenue (U.S. Route 201) beginning at a point opposite CMP Pole #34 and extending southerly to CMP Pole #30, a distance of 500 ft. This area is in the area just southerly of the fire station.

Sec. 6-308 Temporary Parking Restrictions.

Temporary parking restrictions may be enforced as necessitated by large private or public events or as ordered by the Chief Constable or a designated representative.

Sec. 6-309 Disability Parking

It shall be unlawful to park a motor vehicle or motorcycle without a special disability registration plate or placard issued under 29-A M.R.S.A § 521 or 523 or similar plate issued by another state, in a parking space clearly marked for Disability Parking. Disability parking spaces shall be identified by a sign posted adjacent to and signs painted on the pavement visible from each handicapped parking space. Any vehicle or motorcycle parked in a parking space clearly marked as a Disability Parking space must be cited for a fine of not less than $200 and not more than $500.

Sec. 6-310 School Fire Lanes

1. In the interest of providing proper safety services to school buildings within the Town the Fire Chief, or Chief Constable in conjunction with the Superintendent of Schools or a respective designee, is hereby authorized to establish fire lanes at and around school buildings within the Town of Farmingdale. Designated fire lanes shall be clearly marked with signs indicating the existence of the fire lane and the prohibition against parking at that location.
2. Any vehicle found to be parked, standing or in any other way blocking any designated fire lane shall be in violation and as such shall be subject to a penalty. In addition, any vehicle in violation may be removed and impounded at the owners' expense with no liability to the Town of Farmingdale or its designee.

Sec. 6-311 Waiver of Court Action; Fee Schedule.

Any person charged with a violation of any parking ordinance may waive court action by payment of the appropriate current fee for the particular parking violations to the Farmingdale Town office within ten (10) working days of the offense. It shall be prima-facie evidence that the person in whose name an illegally parked vehicle is registered is the responsible individual (s). A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

The schedule of fees for parking violations shall be set by the selectmen. All fees paid in lieu of court action shall accrue to the Town of Farmingdale. A copy of the fee schedule will be on file in the Town office. Any 365 consecutive days without a violation shall be deemed to be no prior violations. Any parking violations within 365 consecutive days shall be deemed as multiple violations.

The civil penalty for violation of this Chapter, relating to unlawful parking, shall be as follows:

1. Fee as noted on the basic Fee Schedule.
2. Twice the established basic fee for the second violation.

3. Three times the established basic fee for the third violation and each violation thereafter.

Sec. 6-312 Towing Policy, Impoundment; Recovery Procedure.

1. Any vehicle parked on a public street in the Town of Farmingdale in violation of the parking ordinance or in any manner that is a threat to the safe and proper regulation of traffic or snow removal by the Town of Farmingdale or the State of Maine, may be removed, at the direction of the Chief Constable, the Fire Chief, the Kennebec County Sheriff's Department or the State Police, by any reputable person engaged in the business of towing and storing vehicles, to a suitable garage or storage space and impounded.
2. The Chief Constable, Fire Chief, or their designated representative, may use force as may be necessary to enter such vehicle and cause the same to be placed in a condition to be moved.
3. Notwithstanding any language contained herein, the removal and storage of a vehicle pursuant to this section, and the payment of the charges specified, shall in no way relieve or prevent prosecution for the violation of any provisions of the Town Ordinances.
4. The Chief Constable or designee shall make an effort to notify as promptly as possible the owner of any vehicle of its removal from the Town accepted streets or public parking areas of the Town. A written notice that such vehicle has been impounded shall be sent to the owner at the last known address as shown by the records of the Secretary of State. The requirements and duties outlined in this section shall apply equally to any vehicle removed from land owned or maintained by the Town of Farmingdale.
5. It shall be the responsibility of the Fire Chief to notify the Chief Constable of any vehicle removed or impounded under his direction. The Fire Chief will provide any and all information to the Chief Constable about the location of the vehicle when towed, where it was towed and for what reason.
6. Before the owner of an impounded vehicle may remove it from the possession of the person towing or storing it, the owner or a designated individual shall:
   A. Furnish satisfactory evidence of their identity and of their ownership of such vehicle to a Farmingdale Constable. Pay all reasonable charges for towing and/or storage and all outstanding violation fees. Verification that all outstanding towing and storage charges have been paid must be provided to the Town of Farmingdale by written confirmation from the towing and/or storage agency.

Sec. 6-313 Fees.

Reference Appendix 1 "Fee Structure" for applicable fee rates which apply to this Article.

Sec. 6-314 Severability

In the event that any portion of this ordinance is found by any court of competent jurisdiction to be invalid, the remaining provisions shall continue in full force and effect.

Sec. 6-315 Ordinance in Force

This Ordinance shall be in full force and effect from and after its passage as provided by State of Maine applicable laws. Passage and approval of this ordinance is intended to replace and repeal any previous ordinances with regard to prior Traffic Control and Parking Ordinances adopted by the Town of Farmingdale, Maine.

Passed and adopted by the Board of Selectmen, Town of Farmingdale, State of Maine on the day of February 2009 by the following:

Selectman:

s / Rickey McKenna
_____
Rickey McKenna, Chair

s / Roger Mallar
_____
Roger Mallar

s / Eugene Moreau
_____
Eugene Moreau

Approved this 4th day of February 2009

Attest: Phyllis Weeks, Town Clerk

s / Phyllis Weeks
Signed:_____

Approved: February 4, 2009

Revised: June 28, 2014

ARTICLE 4 OFF STREET PARKING

Sec. 6-401 Parking Areas

Each lot upon which is a principal structure and which has lot frontage shall include designated parking areas as follows:

1. Each parking space in a parking area shall be at least 180 square feet, exclusive of space required for ingress and egress.
2. Lots upon which are one to five family dwellings shall have an entrance to a parking area from the public road of at least 10 feet wide.
3. Lots upon which are more than 10 but less than 20 parking spaces shall have an entrance to a parking area from the public road of at least 20 feet wide.
4. Lots upon which are 20 or more parking spaces shall have a designated entrance to the parking area from the public road of at least 15 feet wide and a designated exit from the parking area to the public road of at least 15 feet.

Sec. 6-402 Parking Space Requirements

No building permit shall be issued for the construction of any principal structure, the expansion of any principal structure, or the change, expansion, or addition of any principal use, unless the lot upon which the structure or use is situated includes parking spaces as required below:

Principal Structure or Use	Minimum Number of Required Parking Spaces
Single family dwellings (including mobile homes)	Two spaces
Multi-family dwellings and residential condominiums	Two spaces for each dwelling unit
Multi-family dwellings designated for elderly	One space for each dwelling unit plus one additional space for each five units
Hotels, Motels, Tourist Homes	One space for each room or unit
Retail	One space per 150 Sq. Ft. of Gross Retail Floor Area
Hospitals, Nursing Homes	One space for four beds plus one space for each employee (largest shift)
Restaurants or other places serving consumption on	One space for every three seats food or drink for plus one space for every three premises employees (largest shift)
Places serving food or drink for consumption off premises	Ten spaces plus one space for every two employees
Churches and other places of assembly	One space for every five seats
Medical offices	Five spaces for each professional person plus one space for each employee

Industrial or Manufacturing uses and Warehouses	One space for each employee (largest shift)
Other Professional Service Business	Five spaces plus one space per employee (largest shift)

In the event that there exists more than one use or principal structure on a lot, the above requirements shall be cumulative.

Sec. 6-403 Parking on a Non-Contiguous Lot

The owner of a lot may provide the required parking spaces on a non-contiguous lot, providing that such parking places are within 400 feet of the lot to be served, and all other provisions of this Article are met.

ARTICLE 5 UNREGISTERED MOTOR VEHICLES

Sec. 6-501 Preamble

The Town of Farmingdale finds that the outside storage of three or more unregistered used motor vehicles on any lot is a public nuisance, except, as expressly permitted herein.

Sec. 6-502 Definitions

The definitions under 29-A M.R.S.A. § 101 and § 851, and 30-A M.R.S.A. § 3752 shall apply to undefined terms used in this Article.

Sec. 6-503 Prohibition

It shall be unlawful for the owner or occupant of any lot within the Town to permit or cause the storage or placement of three or more unregistered used motor vehicles upon such lot, unless such vehicles are within an enclosed structure, or unless provided otherwise under Section 6-504.

Sec. 6-504 Exemptions

Section 6-503 shall not apply if:

1. The unregistered used motor vehicles are stored in a licensed junkyard or automobile graveyard, stored on a lot primarily used as a licensed automobile recycling business, or are stored in a manner that complies with the standards established for automobile recycling businesses under 30-A M.R.S.A. § 3755-A after prior approval of the Code Enforcement Officer.
2. The unregistered used motor vehicles, not to exceed five in number, are stored on a lot primarily used as a commercial automobile repair facility, provided such vehicles are not stored more than 30 days
3. The lot contains one or more dwellings and no more than one unregistered used vehicle is owned by each of three or more occupants of such lot and each of said occupants holds. a valid and current State of Maine driver's license.
4. The unregistered used vehicles are stored on a lot upon which a used car dealer has an established place of business within the Town or at any licensed branch or annex thereof, if the dealer and all locations are licensed pursuant to 29 M.R.S.A. § 951.

Sec. 6-505 Enforcement: Remedies

1. Enforcement. The Code Enforcement Officer shall enforce the provisions of this Article as provided in 30-A M.R.S.A. § 4452.
2. Penalties and other remedies. The penalties and other remedies for violation of the provisions of this Article shall be the same as those provided in Section 3-503.

Sec. 6-506 Transition Provision

Notwithstanding Sections 6-501 through 6-505 above, the owner of any lot that was not in compliance with Section 6-503 prior to March 22, 1997 shall not be subject to civil penalties or other enforcement action under Section 6-505, provided that no additional unregistered used motor vehicles are placed on the lot, except as expressly permitted, and further provided that:

1. If the number of existing unlawfully stored vehicles on the lot is less than 20, all such vehicles shall be removed prior to April 1, 1998.
2. If the number of existing unlawfully stored vehicles on the lot is more than 20, but less than 40, no less than 20 such vehicles shall be removed prior to April 1, 1998, and all other unlawfully stored vehicles shall be removed prior to April 1, 1999.

3. If the number of existing unlawfully stored vehicles on the lot is more than 40, not less than 20 such vehicles shall be removed prior to April 1, 1998, not less than an additional 20 such vehicles shall be removed prior to April 1, 1999, and all other unlawfully stored vehicles shall be removed prior to April 1, 2000.

Sec. 6-507 Authority

This Article is enacted pursuant to 30-A M.R.S.A. § 3001, § 3755(5) and § 4452(5).

Effective: March 1997

Chapter 7 GENERAL ASSISTANCE

GENERAL ASSISTANCE

The enclosed General Assistance Ordinance is submitted as prepared by a State or Federal agency rather than as normally prepared by the established form and format guidelines intended for Farmingdale ordinances. This exception is necessary to facilitate future communication with others.

ARTICLE 1 GENERAL PROVISIONS

Sec. 7-101 Statement of Policy

1. The Town of Farmingdale administers a program of general assistance available to all persons who are eligible to receive assistance in accordance with the standards of eligibility as provided in the “General Assistance Manual” and in 22 M.R.S.A. § 4301 et seq. This Chapter 7 shall be known as the Farmingdale General Assistance Document but is enclosed as a guide for general information and shall be referred to in this Chapter 7 as "this Chapter." The specific criteria actually utilized for General Assistance is expressed in the “General Assistance Manual” provided by the Maine Municipal Association which is available at the Farmingdale Town Office. This Chapter provides a general introduction of available assistance.
2. Every effort will be made to recognize the dignity of the applicant and to encourage self-reliance. The program will help each person achieve self-maintenance and will encourage the work incentive. When possible, it will seek to alleviate needs other than financial through rehabilitative, preventive and protective services. General assistance will promote strengthening the family, especially with regard to the care and protection of children.
3. The general assistance program will place no restrictions on the personal rights of the applicant or recipient, nor will there be any unlawful discrimination based on sex, age, race, religion, disability or political affiliation. The applicant or recipient will be informed of his/her rights and responsibilities under the general assistance program.
4. The general assistance administrator will act promptly on all applications for assistance and requests for fair hearings. Within 24 hours of receiving an application, the administrator will give the applicant a written decision, whether or not assistance is granted, that will state the specific reasons for the decision. The administrator will also give the applicant written notice that the applicant may appeal to the municipal fair hearing authority if dissatisfied with the decision. When an applicant is determined to be eligible, assistance appropriate to the need will be furnished within 24 hours after the completed application is submitted except when the administrator issues non-emergency assistance conditionally on the successful completion of a workfare assignment (see Section 7-506 of this Chapter).
5. The administrator will maintain complete and accurate records pertaining to each applicant and recipient. These records are confidential.
6. The administrator will post notice stating the day(s) and hours the administrator will be available. The administrator, or other designated person, will be available to take applications in the event of an emergency at all other times. A copy of this Chapter and Maine General Assistance law will be readily available to any member of the public upon request. Notice to this effect will be posted.

ARTICLE 2 DEFINITIONS

Sec. 7-201 Common Meaning of Words

Unless otherwise apparent or defined, all words in this Chapter will have their common meaning.

Sec. 7-202 Special Definitions

As used in this Chapter, the following enumerated words and terms have meanings ascribed to each of them:

1. Applicant. An "applicant" is a person who has submitted, either directly or through an authorized representative, an application for general assistance or who has, in an emergency, requested assistance without first completing an application. In addition, all persons on whose behalf an application has been submitted or on whose behalf benefits have been granted shall be considered applicants.
2. Application form. The "application form" is a standardized form used by the general assistance administrator for the purpose of allowing a person to apply for general assistance and confirming the fact that a person has made application. The application form must be signed by the applicant to be considered complete.
3. Basic necessities. "Basic necessities" are food, clothing, shelter, fuel, electricity, non-elective medical services as recommended by a physician, nonprescription drugs, telephone where it is necessary for medical reasons, property taxes when a tax lien placed on the property threatens the loss of the applicant's place of residence, and any other commodity or service determined essential by the municipality. "Basic necessities" do not include security deposits for rental property, except for those situations where no other permanent lodging is available unless a security deposit is paid, and a waiver, deferral or installment arrangement cannot be made between the landlord and tenant to satisfy the need for the immediate payment of the security deposit or payment in full. (22 M.R.S.A. § 4301.1).
4. Case record. The "case record" is an official file containing application forms; correspondence; narrative records and all other communications pertaining to an applicant or recipient; written decisions regarding eligibility including reasons for those decisions as well as the types and amounts of assistance provided; and all records concerning an applicant's request for fair hearing and those fair hearing decisions.
5. Categorical assistance. "Categorical assistance" is all state and federal income maintenance programs.
6. Claimant. A "claimant" is a person who has requested a fair hearing.
7. Deficit. An applicant's "deficit" is the appropriate overall maximum level of assistance for the household as provided in Section 7-608 of this Chapter less the household income as calculated pursuant to Section 7-607 of this Chapter, provided such a calculation yields a positive number. If the household income is greater than the appropriate overall maximum level of assistance, the household has no deficit.
8. Disabled person. A "disabled person" is a person who is presently unable to work or maintain a home due to a physical or mental disability that is verified by a physician.
9. Dwelling unit. A "dwelling unit" is a building or part thereof used for separate living quarters for one or more persons living as a single housekeeping unit. (22 M.R.S.A. § 4301.2).

10. Eligible person. An "eligible person" is a person who is qualified to receive general assistance from the municipality according to the standards of eligibility set forth in this ordinance. (22 M.R.S.A. § 4301.3).

11. Emergency. An "emergency" is any life threatening situation or a situation beyond the control of the individual which, if not alleviated immediately, could reasonably be expected to pose a threat to the health or safety of a person. (22 M.R.S.A. §§ 4301.4, 4308.2, 4310).

12. General assistance program. A service administered by a municipality for the immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves or their families. A general assistance program provides a specific amount and type of aid for defined needs during a limited period of time and is not intended to be a continuing "grant-in-aid" or "categorical" welfare program. This definition shall not in any way lessen the responsibility of each municipality to provide general assistance to a person each time that the person is in need and is found to be otherwise eligible to receive general assistance. (22 M.R.S.A. § 4301.5).

13. General Assistance Administrator. The "General Assistance Administrator" is a municipal official designated to receive applications, make decisions concerning an applicant's right to receive assistance, and prepare records and communications concerning assistance. He or she may be an elected, overseer or an authorized agent such as a town manager, welfare director, or caseworker. (22 M.R.S.A. § 4301.12). In the Town of Farmingdale the Board of Selectmen is the Board of Overseers and its agent is the Town Clerk. They are the "General Assistance Administrator" as used herein. Any reference herein to the "Administrator" means the General Assistance Administrator.

14. Household. "Household" means an individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one or more individuals, even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established under this Chapter. The income of household members not legally liable or otherwise responsible for supporting the household shall be considered as available to the applicant only when there is a pooling of income. (22 M.R.S.A. § 4301.6).

15. Income. "Income" means any form of income in cash or in kind received by the household including net remuneration for services performed, cash received on either secured or unsecured credit, any payments received as an annuity, retirement or disability benefits, veterans' pensions, workers' compensation, unemployment benefits, benefits under any state or federal categorical assistance program, supplemental security income, social security and any other payments from governmental sources unless specifically prohibited by any law or regulation, court ordered support payments, income from pension or trust funds, and household income from any other source, including relatives or unrelated household members.

    A. The following items shall not be considered as income or assets which must be liquidated for the purposes of deriving income:

        1) Real or personal income-producing property, tools of trade, governmental entitlement specifically treated as exempt assets by state or federal law;

2) Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement fund contributions, union dues, transportation costs to and from work, special equipment costs and child care expenses; or

3) Earned income of children below the age of 18 years who are full-time students and who are not working full time.

B. In determining need, the period of time used as a basis for the calculation shall be a 30-day period commencing on the date of the application. This prospective calculation shall not disqualify an applicant who has exhausted income to purchase basic necessities, provided that the income does not exceed the income standards established by the municipality. (22 M.R.S.A. § 4301.7)

16. Just cause. "Just cause" means a valid, verifiable reason that hinders an individual from complying with one or more conditions of eligibility. (22 M.R.S.A. §§ 4301.8, 4316-A.5)

17. Lump sum payment. "Lump sum payment" means a one-time or typically nonrecurring sum of money issued to an applicant or recipient after an initial application. Lump sum payment includes, but is not limited to, retroactive or settlement portions of social security benefits, workers' compensation payments, unemployment benefits, disability income, veterans' benefits, severance pay benefits, or money received from inheritances, lottery winnings, personal injury awards, property damage claims or divorce settlements. A lump sum payment includes only the amount of money available to the applicant after payment of required deductions has been made from the gross lump sum payment. A lump sum payment does not include conversion of a nonliquid resource to a liquid resource if the liquid resource has been used or is intended to be used to replace the converted resource or for other necessary expenses. The term "conversion of a non-liquid resource to a liquid resource" refers, in general, to a settlement of an insurance claim filed as a result of damaged or destroyed property. (22 M.R.S.A. § 4301.8-A).

18. Material fact. A "material fact" is fact that necessarily has some bearing on the determination of an applicant's General Assistance eligibility, and which would, if disclosed to the administrator, have some determinable effect on the calculation of eligibility or the issuance of a grant of assistance.

19. Maximum levels of assistance. "Maximum levels of assistance" means the amount of financial assistance for a commodity or service as established in Section 7-608 of this Chapter or the actual cost of any such basic necessity, whichever is less.

20. Misconduct. "Misconduct" means conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violations or disregard of standards of behavior which the employer has a right to expect of his employee, or in carelessness or negligence of such degree or recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to his or her employer. (26 M.R.S.A. § 1043(23)).

21. Municipality. "Municipality" means the Town of Farmingdale or any other city, town or plantation administering a general assistance program.

22. Municipality of responsibility. The "municipality of responsibility" means the municipality which is liable for the support of an eligible person at the time of application. (22 M.R.S.A. §§ 4301.9, 4307).

23. Need. The term "need" means the condition whereby a person's income, money, property, credit, assets or other resources available to provide basic necessitates for the individual and the individual's family are less than the maximum levels of assistance. (22 M.R.S.A. §§ 4301.10, 4308).

24. Net general assistance costs. "Net general assistance costs" are those direct costs incurred by a municipality in providing assistance to eligible persons according to standards established by the municipal officers. These do not include the administrative expenses of the general assistance program. (22 M.R.S.A. §§ 4301.11, 4311).

25. Period of eligibility. "Period of eligibility" means the time for which a person has been granted assistance. The period of eligibility may vary depending on the type of assistance provided, however, in no event shall this period extend beyond one month. (22 M.R.S.A. § 4309.1).

26. Pooling of income. "Pooling of income" means the financial relationship among household members who are not legally liable for mutual support in which there occurs any commingling of funds or sharing of income or expenses. Municipalities may by ordinance establish as a rebuttable presumption that persons sharing the same dwelling unit are pooling their income. Applicants who are requesting that the determination of eligibility be calculated as though one or more household members are not pooling their income have the burden of rebutting the presumed pooling of income.

27. Real estate. "Real estate" means any land, buildings, homes, mobile homes and any other things affixed to the land. (22 M.R.S.A. § 4301.13).

28. Recipient. A "recipient" is a person who has applied for and is currently receiving general assistance.

29. Resident. A "resident" is a person who is physically present in a municipality with the intention of remaining in that municipality in order to maintain or establish a home and who has no other residence. A person who applies for assistance in a municipality who is not a resident of that municipality or any other municipality is the responsibility of the municipality where the person first applies. That municipality must take an application and grant assistance to the applicant if he/she is eligible, until he/she establishes a new residence in another municipality (see Section 7410). (22 M.R.S.A. § 4307).

30. Resources. "Resources" include any program, service, or other sources of support which are an alternative to or supplement for general assistance. There are two kinds of resources; available and potential. Potential resources are programs, services, non-liquid assets, or trusts which typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released. Potential resources include but are not limited to any state or federal assistance program, employment benefits, governmental or private pension program, available trust funds, support from legally liable relatives, child support payments, and jointly held resources where the applicant or recipient share may be available to the individual. (22 M.R.S.A. § 4317). Potential resources include the TANF/AFDC programs, Food Stamps, fuel assistance (HEAP), subsidized housing, and similar programs.

"Available resources" include resources which are immediately available to the applicant or which can be conveniently secured by the applicant without delay, such as cash on hand or in bank accounts, assets for which there is an immediate and available market, or support from relatives which is being made available at the time of application and for which the applicant does not have to take any unreasonable steps to secure (e.g.,

relocation beyond the immediate region). Available resources also include the services, commodities or facilities made available by private organizations when:

A. The applicant voluntarily agrees to utilize such services;

B. The municipality has established a contractual relationship with the private organization to provide services or commodities when requested;

C. The municipality is able to secure the services or commodities needed by an applicant from the private organization for any consideration acceptable to both the organization and the municipality; or

D. The service is available and offered at no cost to the applicant and deemed necessary by a physician, psychologist or other professional retraining or rehabilitation specialist.

“Charities.” Charities may be considered private organizations which are available resources only if the charity places no unreasonable requirements on the applicant which are violative of the applicant's fundamental rights. Fjeld v. Lewiston, Andro. Sup. Ct. CV 87-4; Bolduc v. Lewiston, Andro, Sup. Ct. CV 87-248).

31. 30-day need. An applicant's "30-day need" is the sum of the household's prospective 30-day costs, from the date of application, for the various basic necessities. For the purpose of this calculation, the 30-day cost for any basic need shall be the household's actual 30-day cost for the basic necessity or the maximum 30-day cost for the basic necessity as established by this ordinance, whichever is less.

32. Unmet need. An applicant's "unmet need" is the household's 30-day need as established by Section 7-606 of this Chapter less the household income as calculated pursuant to Section 7-607 of this Chapter, provided such a calculation yields a positive number. If the household income is greater than the household's 30-day need, the household does not have an unmet need.

33. Work requirements. "Work requirements" are those obligations the municipal administrator places on applicants for general assistance as directed or authorized by 22 M.R.S.A. § 4316-A to the extent such obligations ensure a continuing potential eligibility for general assistance when complied with, result in disqualification when violated, and are not merely optional, discretionary, or advisory. Work requirements include registering for work, looking for work in good faith, accepting all suitable job offers, performing workfare, and participating in training, educational, or rehabilitation programs that will assist the participant in securing employment.

ARTICLE 3 ADMINISTRATIVE RULES AND REGULATIONS

Sec. 7-301 Administrative Rules

The following are rules and regulations for the administration of general assistance.

1. Confidentiality of information. Case records and all other information relating to an applicant or recipient of general assistance are confidential and will not be disclosed to the general public, unless the applicant or recipient states in writing what information is to be released. (22 M.R.S.A. § 4306, Janak v. D.H.S., Aroostook Cty #CV-89-116).
2. Release of information. Applicants, recipients and their legal representatives have the right to review their case records. No record will be released to a third party, however, unless the administrator receives a consent form signed by the applicant expressly authorizing the release of his/her records to the specified parties. Whenever the administrator releases any information, he/she will make a notation in the applicant's file stating to whom the record was released and the date. The administrator may charge a reasonable fee for the reproduction of any records when appropriate.
3. Information from other sources. penalty. Information furnished to the municipality by the Department of Human Services or any other agency or institution pursuant to 22 M.R.S.A. § 4314, is confidential. The general assistance administrator will also comply with laws relating to the confidentiality of records concerning birth, marriage and death. 22 M.R.S.A. § 2706.

Any representative of a financial institution (except national banks) or any employer of a general assistance applicant who refuses to provide necessary information to the administrator in order to verify an applicant's eligibility must state in writing the reason for the refusal. Any such person who refuses to provide information, without just cause, may be subject to a civil penalty of not less than $25 nor more than $100. Any person, including the applicant, who knowingly and willfully makes a false representation of a material fact to the administrator is committing a Class E crime (22 M.R.S.A. § 4314, 4315).

4. Misuse of information. Misuse of any information relating to an applicant or recipient is a punishable offense. 22 M.R.S.A. § 42(2).
5. Maintenance of records. The general assistance administrator will keep complete and accurate general assistance records (22 M.R.S.A. § 4306). These records are necessary to:
   A. Provide a valid basis of accounting for municipal expenditures;
   B. Document and support decisions concerning an applicant or recipient; and
   C. Ensure the availability of all relevant information in the event of a fair hearing or judicial review of a decision by the general assistance administrator.
6. Case records. The administrator will establish and maintain a separate case record for each applicant or recipient. Each case record will include at least the household's applications, budget sheets, information concerning the types and amounts of assistance provided, narrative statements describing the nature of the emergency situation whenever general assistance is granted in amounts greater than the applicant's mathematical eligibility (i.e., deficit or unmet need, whichever is less), written decisions, and any requests for fair hearings and the fair hearing authority decisions. Workfare participation will also be recorded, as will any cash repayments to the municipality. The record may also include any narrative writings documenting the need for general assistance, the results of home visits, collateral information,

referrals, changes in status, the reason(s) for the release of confidential information, adjustments in aid, and suspension or termination of eligibility. Case records will not include information or material that is irrelevant to an applicant's or recipient's application or the administrator's decisions.

ARTICLE 4 APPLICATION PROCEDURE

Sec. 7-401 Right to Apply

1. Who may apply. Anyone may apply for general assistance. The head of the family, any other responsible household member, or an authorized representative must apply in person, except in special emergency situations as provided in Section 7-409 of this Chapter or except when the applicant is a resident of an emergency shelter and the municipality has made an agreement with that emergency shelter to presume shelter residents to be eligible for general assistance (22 M.R.S.A. § 4304(3). The administrator may require a representative to present a signed statement documenting that he/she is in fact authorized to apply for general assistance on behalf of the named applicant. The applicant or representative must complete a written application and any other required forms so that the administrator can determine eligibility (22 M.R.S.A. §§ 4305, 4308). With notice, all members of the household receiving general assistance may be required to physically present themselves to the administrator.
2. Application via telephone. When a person has an emergency but is unable to apply in person due to illness, disability, lack of child care, lack of transportation or other good cause, and he/she cannot send an authorized representative, the administrator will accept an application by telephone. The telephone application process will include the administrator receiving written verification by mail or visiting the applicant's home with his/her permission (22 M.R.S.A. § 4304).
3. Written application upon each request. Each request for assistance will be administered in accordance with these guidelines. The administrator will make an independent determination of eligibility for general assistance each time a person applies. (22 M.R.S.A. §§ 4308, 4309).
4. Applications accepted: posted notice. Application forms will be available during regular business hours at the municipal office and when the general assistance administrator is conducting interviews with applicants. Notice will be posted stating when and where people may apply for assistance and the name of the administrator available to take emergency applications at all other times. In addition, the posted notice shall include the fact that the municipality must issue a written decision on all applications within 24 hours, and the Department of Human Services' toll free telephone numbers for reporting alleged violations or complaints. Completed applications will be accepted and interviews given only during the regular hours established and posted by the administrator. In an emergency, however, the administrator will be available to accept applications for assistance whenever necessary (22 M.R.S.A. § 4304).

Sec. 7-402 Application Interview

Except when it is impractical, the general assistance administrator will interview each applicant personally before making a decision. The interview will be conducted in private, although the applicant may be accompanied by a legal representative, friend or family member.

Sec. 7-403 Contents of the Application

At a minimum, the application will contain the following information:

1. Applicant's name, address, date of birth, Social Security number, and phone number;
2. Names, date(s) of birth, and Social Security number(s) of other household members for whom the applicant is seeking assistance;

3. Total number of individuals in the building or apartment where the applicant is residing;
4. Employment and employability information;
5. All household income, resources, assets, and property;
6. Household expenses;
7. Types of assistance being requested;
8. Penalty for false representation;
9. Applicant's permission to verify information; and
10. Signature of applicant and date.

Sec. 7-404 General Assistance Administrator's Responsibilities at the Time of the Application

The administrator will make every effort to inform all applicants of their rights and responsibilities as well as the general program requirements associated with applying for and receiving general assistance, including application requirements, eligibility guidelines, applicant rights, and reimbursement obligations.

1. Application requirements. The administrator will help the applicant fill out the application form as described in the preceding section. The administrator will inform the applicant of any other information or documentation that the applicant will have to provide in order for the administrator to evaluate the applicant's eligibility for assistance. The administrator will fully explain the purpose of any release of information form or reimbursement agreement before seeking to obtain the applicant's signature or written authorization.
2. Eligibility requirements. The administrator will inform the applicant of the eligibility requirements of the program, including:
   A. The income standard of need;
   B. The applicant's ongoing use-of-income, work-related, and resource-related responsibilities, as described in the section immediately below;
   C. The financial reduction in assistance that is the consequence of spending household income on non-necessities; and
   D. The disqualification penalties associated with committing fraud, failing to perform work-related assignments without just cause, or failing to make a good faith effort to secure potential resources when the requirement to attempt to obtain those resources has been explained to the applicant in writing.
3. Applicant rights. The administrator will inform all applicants of their rights to:
   A. Review this Chapter 7 (General Assistance) of the Code and the Maine General Assistance law (22 M.R.S.A. § 4301, et seq .);
   B. Apply for assistance;
   C. Receive a written decision concerning eligibility within 24 hours of applying for assistance;
   D. Confidentiality;
   E. Contact the Department of Human Services; and
   F. Challenge the administrator's decision by requesting a fair hearing.

4. Reimbursement/Recovery. The administrator will inform the applicant that he/she must reimburse the municipality for the amount of general assistance he/she has been granted in the event of a subsequent ability to pay. In addition to seeking repayment from a recipient, the municipality also may recover the amount of assistance granted to a recipient during the previous 12 months from any relative legally liable for the applicant's support (spouses, parents of persons under the age of 25, see Subchapter VII - Recovery of Expenses). 22 M.R.S.A. §§ 4318, 4319. Whenever applicable, the administrator will explain the various liens a municipality may place against a recipient's real or personal property, such as the mortgage or capital improvement lien, the Workers' Compensation lump sum payment lien, or the SSI "interim assistance agreement" lien, as these liens are described in Subchapter VIII - Recovery of Expenses.

Sec. 7-405 Responsibilities of the Applicant at the Time of Application

The applicant has the responsibility at the time of each application to provide accurate, complete and current information and verifiable documentation concerning his or her income, resources, assets, household employment, how the applicant has spent his or her income, the names and addresses of any relatives legally liable for the applicant's support, and any change in this information from a previous application that would affect his or her eligibility (22 M.R.S.A. §4309).

In addition, the applicant must accurately report and provide verifiable documentation that shows the applicant:

1. Has remained employed, if previously employed, and not quit work without just cause or been discharged from employment for misconduct;
2. Has been seeking employment, if previously unemployed or employed on a part-time basis, has accepted any suitable offer of employment, and has satisfactorily performed all workfare assignments or had just cause not to perform those assignments;
3. Has made use of all available and potential resources when directed in writing to such a program by the administrator, including, but not limited to, other government benefit programs or the assistance of liable relatives of sufficient means; and
4. Has participated in any training, retraining, educational or rehabilitative program when appropriate and when directed in writing to such a program by the administrator, in order to diminish the applicant's need for general assistance (22 M.R.S.A. §§4316-A, 4317).

Sec. 7-406 Action on Applications

1. Written decision. The general assistance administrator will give a written decision to the applicant concerning his/her eligibility within 24 hours after the applicant submits a written application. Assistance will be furnished to eligible applicants within that period except when the municipality is permitted by law (and pursuant to Section 7-506 of this Chapter) to issue assistance conditionally on the successful completion of a workfare assignment. (22 M.R.S.A. §§ 4305, 4316A, 4321). A written decision will be given each time a person applies, whether assistance is granted, denied, reduced or terminated.
   A. Content. The written decision will contain the following information:
      1) the type and amount of aid the applicant is being granted or the applicant's ineligibility;
      2) the period of eligibility if the applicant is eligible for assistance;

3) the specific reasons for the decision;

4) the applicant's right to a fair hearing; and

5) the applicant's right to notify the Department of Human Services if he/she believes the municipality has acted illegally. (22 M.R.S.A. § 4321).

Sec. 7-407 Withdrawal of an Application

An application is considered withdrawn if:

1. The applicant requests in writing that his/her application be withdrawn; or
2. The applicant refuses to complete or sign the application or any other form needed by the general assistance administrator.

Sec. 7-408 Temporary Refusal to Accept Application

Under special circumstances, the general assistance administrator may temporarily refuse to accept applications for 24 hours. Such circumstances may include, but are not limited to, the following:

1. When the applicant's conduct is abusive, disruptive, or harassing, or when the applicant is under the influence of drugs or alcohol. In these situations, the applicant will be asked to leave, and if the applicant refuses to leave, the police may be summoned. The applicant will be informed that an application will be accepted when his/her conduct is under control; or
2. When a third person applies for assistance on behalf of the applicant. That person may be required to provide written verification that he/she has been duly authorized to act as a representative for the applicant (22 M.R.S.A. § 4308).

Sec. 7-409 Emergencies

An emergency is considered to be any life threatening situation or a situation beyond the control of the applicant which if not alleviated immediately could reasonably be expected to pose a threat to the health or safety of the applicant or a member of the household. (22 M.R.S.A. § 4301.4). Although they may be considered otherwise ineligible to receive general assistance, persons who apply for assistance to alleviate an emergency will be granted assistance, except as provided below, if they do not have sufficient income and resources to meet an actual emergency need and have not had sufficient income and resources to avert the emergency. 22 M.R.S.A. § 4308.

1. Disqualification. A person who is currently disqualified from receiving General Assistance due to a violation of Sections 7-505, 506, 507 or 7-604 of this Chapter is ineligible to receive emergency assistance (22 M.R.S.A. § 4308.2(A)). Dependents of a disqualified person may be eligible for assistance. For the purposes of this section, "dependents" are defined as:

   A. A dependent minor child;

   B. An elderly, ill or disabled person; or

   C. A person whose presence is required to provide care for any child under the age of 6 years or any ill or disabled member of the household (22 M.R.S.A. § 4309.3). In the event one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated as though the household is comprised of the dependents only, except that all household income will be considered available to them.

2. Assistance prior to verification. Whenever an applicant informs the administrator that he/she needs assistance immediately, the administrator will grant, pending verification, the assistance within 24 hours, provided that:

   A. After interviewing the applicant the administrator has determined that the applicant will probably be eligible for assistance after a verification of information is completed; and

   B. The applicant submits documentation when possible, to verify his/her need.

   C. The administrator may contact at least one other person to confirm the applicant's statements about needing emergency assistance. No further assistance will be authorized until the applicant's eligibility is confirmed (22 M.R.S.A. § 4310).

3. Telephone applications. If a person has an emergency need and cannot apply in person due to illness, disability, lack of transportation, lack of child care, or other good cause, and if there is no authorized representative who can apply on behalf of the applicant, the administrator will accept an application over the telephone.

   The administrator will not grant any assistance as the result of a telephone application if the applicant refuses to allow the administrator to verify the information either by visiting his/her home or by mail and the administrator cannot determine his/her eligibility through any other means.

4. Limitation on emergency assistance. Applicants are not automatically eligible for emergency assistance. If applicants had income which could have been used to prevent all or part of an emergency, but they spent that income on items which are not basic necessities, they will not be eligible to receive general assistance to replace that money. Applicants have the responsibility to provide the administrator with verifiable documentation demonstrating that the applicant did not have sufficient income to avert the emergency situation. According to the following criteria, the administrator may limit emergency assistance to cover only the difference between the amount of money necessary for the household to avoid the emergency and the amount of income available to the household during the applicable time period.

   A. The applicable time period shall be the 30 days preceding the application for emergency assistance, except in those cases where the emergency was created by a negative account balance for a commodity or service (such as rent, mortgage or utility payments), and the negative account balance was created over a longer period of time. In such cases, the applicable time period shall be the consecutive length of time the account balance has been in the negative.

   B. The administrator shall seek from the applicant all information pertinent to the applicant's ability to provide for his or her basic necessities for the applicable time period, including evidence of all income and resources received over that period of time.

   C. The administrator shall calculate all costs for the household's basic necessities during the applicable time period, per month, in accordance with the maximum levels established by this ordinance for the specific basic necessities or the actual monthly cost, whichever is less, including all costs associated with averting the particular emergency situation for which the applicant is seeking assistance.

   D. From the total household costs for basic necessities during the applicable time period, the administrator shall subtract the total income and lump sum payments available to the household for the applicable time period as well as the total general assistance actually received during the applicable time period.

E. The administrator may restrict the issuance of emergency assistance to the difference yielded by the computation in subsection (d), even when such a grant will not totally alleviate the emergency situation.

F. The administrator may waive this limitation on emergency assistance in life threatening situations or for first time applicants; that is, persons who have never before applied for general assistance.

G. Nothing in these criteria may be construed as prohibiting a municipality from electing to alleviate an emergency situation in the most cost-effective manner available, provided such a determination of eligibility for emergency assistance is in conformance with general assistance law.

Sec. 7-410 Residence

The administrator shall provide general assistance to all eligible persons applying for assistance who are residents of this municipality. A resident is a person who has no other residence and is physically present in this municipality and who intends to remain here and establish a household.

The municipality also recognizes its responsibility to provide assistance to eligible persons who apply here and who are not residents of this municipality or any other municipality. If a person who is not a resident of any municipality applies in this municipality first, the administrator will determine his/her eligibility and, if eligible, will grant assistance until he/she establishes a residence in another municipality (22 M.R.S.A. § 4307).

1. Moving/Relocating. The municipality will not consider moving or transporting an applicant or recipient into another municipality unless the person requests assistance to relocate to another municipality. If the administrator determines the applicant is eligible and grants financial assistance to help with the requested relocation, this municipality will be responsible for providing assistance to the applicant for 30 days after he/she moves provided the recipient remains eligible.
2. Institutions. If a resident of this municipality enters an institution located in another municipality (such as a group home, shelter, rehabilitation center, nursing home, or hospital) and requests assistance while at the institution, he/she will be the responsibility of this municipality for up to 6 months after he/she enters the institution. The municipality thereafter retains responsibility for an applicant in an institution only if the applicant has maintained a home in this municipality to which he/she intends to return. The municipality also recognizes its responsibility for applicants residing in an institution in this municipality if such an applicant had no residence prior to entering the institution. (22 M.R.S.A. § 4307.4).
3. Temporary Housing. Hotels/motels and similar places of temporary lodging are considered institutions (see above) if the municipality grants financial assistance for, makes arrangements for, or advises or encourages an applicant to stay in temporary lodging. [Note: municipalities which illegally deny housing assistance and, as a result of the denial, the applicant stays in temporary lodging are responsible for the applicant for up to 6 months and may be subject to other penalties. (22 M.R.S.A. 4307.4).]
4. Disputes. When the administrator believes that an applicant is a resident of another municipality but that municipality disputes its responsibility the administrator will notify the Department of Human Services in Augusta (287-3654 or 1-800-442-6003). If the applicant applies in this municipality first, the administrator will determine his/her eligibility and, if eligible, will grant assistance until the Department has concluded which municipality is responsible for providing assistance. If another municipality

was responsible, the Department will recover the amount due from the other municipality. (22 M.R.S.A. §§ 4307.5, 4307.6).

ARTICLE 5 ELIGIBILITY

Sec. 7-501 Applicants

A person will be eligible for general assistance if he/she is in need and has complied with the eligibility requirements set forth below.

1. Initial applicants. For initial applicants, except as provided immediately below, need will be the sole condition of eligibility. The exception to this general rule, as provided by law, applies to all applicants, including initial applicants, who are disqualified for a defined period for quitting employment without just cause or for being discharged from employment for misconduct (22 M.R.S.A. § 4316-A(1-A), see Section 7-505).
   A. An initial applicant is a person who has never before applied for general assistance in any municipality in Maine (22 M.R.S.A. § 4308.1).
   B. "Need" means that the applicant's income (including pro-rated income, where applicable), property, credit, assets or other resources are less than the overall maximum level of assistance contained in section 7-608 of this Chapter or the applicant's 30-day need, whichever is less, and he/she does not have adequate income or other resources available to provide basic necessities.
2. Subsequent applicants. Persons who are not initial applicants are repeat applicants. Repeat applicants are people who have applied for general assistance at any time in the past. Repeat applicants are also people on whose behalf a general assistance application was made at any time in the past, provided that at such a time the applicant was not a dependent minor in the household. For repeat applicants to be eligible for general assistance, they must be in need and meet all other eligibility requirements. The eligibility of repeat applicants may also be adversely affected to the extent they have not used their income and resources to secure basic necessities.

Sec. 7-502 Eligibility for Categorical Assistance

Receipt of categorical assistance will not disqualify a person from receiving general assistance if the applicant is otherwise eligible. Benefits received from other assistance programs will be considered as income when determining need, with the exception of Food Stamps, which will not be counted as income or resources or otherwise taken into consideration when determining need (7 U.S. § 2017 (b)). Also, any fuel assistance (HEAP/ECIP) received by an applicant will not be considered as income or a resource; that is, the administrator will always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid all costs associated with his or her fuel needs. (42 U.S. §8624(f)). The calculation of general assistance for heating energy needs when an applicant has received HEAP or ECIP shall be accomplished in accordance with subsection (c) under Types of Income at Section 7-606 of this Chapter.

Applicants or recipients must apply for other program benefits within 7 days after being advised in writing to do so by the general assistance administrator. Persons who, without just cause, make no good faith effort to obtain a potential resource will be disqualified from receiving assistance until they make a good faith effort to obtain the benefit (22 M.R.S.A. § 4317).

Sec. 7-503 Personal Property

1. Liquid assets. No person owning assets easily convertible into cash, including but not limited to, bank deposits, stocks, bonds, certificates of deposit and other marketable security, will be eligible for general assistance unless and until he or she uses these assets to meet his/her basic needs, and thereby exhausts them.

2. Tangible assets. No person owning or possessing personal property consisting of more than one motor vehicle, or a boat, trailer, recreation vehicle or other assets that are convertible into cash and are non-essential to the maintenance of the applicant's household will be eligible for general assistance. Exceptions may be made when a person is making an initial application or when reasonable efforts to convert assets to cash at fair market value are unsuccessful.

   Tools of a trade, livestock, farm equipment and other equipment used for the production of income are exempt from the above category and are not considered available assets.

3. Automobile ownership. Ownership of one automobile per household will not make a person ineligible for assistance if such vehicle is essential for transportation to employment, medical care, rehabilitation or training facilities, or if it is essential to the maintenance of the applicant's household. Recipients of general assistance who own an automobile with a market value greater than $5000 may be required, with written, 30-day notice, to make a good faith effort to trade that automobile in to a reputable automobile dealer for an automobile with a market value of less than $5000. Any income received by the applicant by virtue of such a trade down must be used for his/her basic necessities. Failure to liquidate or trade down the excess value of any automobile asset can result in disqualification. (22 M.R.S.A. § 4317). The municipality will neither pay nor consider as necessary expenses any car payment for which the applicant is responsible. General assistance for travel-related needs shall be computed in accordance with Section 7-608(F)(6) and (7) - Travel/Work related expenses.

4. Insurance. Insurance that is available to an applicant on a non-contributory basis or that is required as a condition of employment will not be a factor in determining eligibility for general assistance. Life insurance with a cash surrender value may be considered as a tangible asset when an applicant has received assistance for 4 weeks or more after an application for assistance.

5. Transfer of property. Applicants who transfer assets for less than fair market value to someone else solely for the purpose of establishing eligibility for general assistance will not be granted general assistance to replace the uncompensated value of the transferred asset. Assistance will be denied within a 120-day limit up to the uncompensated value of the asset which was transferred unless the transfer of asset is fraudulently misrepresented, in which case a 120-day disqualification will issue. There will be a presumption that the applicant transferred his/her assets in order to be eligible for general assistance whenever property is sold for less than the fair market value or when the transfer occurred within 30 days prior to applying for general assistance unless the applicant can demonstrate the existence of an arms-length transaction.

Sec. 7-504 Ownership of Real Estate

If the applicant or dependents own real property other than that occupied as the principal home, continued eligibility will depend on the applicant making a reasonable effort to:

1. Dispose of the property at fair market value in order to convert the property into cash which can be applied toward meeting present need; or
2. Obtain a loan against such property which may be used to meet present need. Applicants who transfer their excess property to a third party in order to become eligible for general assistance will be ineligible.

If an applicant is granted assistance in the form of a mortgage payment or capital improvement payment, the municipality may claim a lien against the property. The lien shall not be enforceable until the time of sale of the property or upon the death of the recipient (22 M.R.S.A. § 4320, see also section 6.8).

Sec. 7-505 Work Requirement

All general assistance recipients are required to register for work, look for work, work to the extent of available employment, and otherwise fulfill the work requirements, unless the applicant is exempt from such requirements as provided below.

1. Employment: rehabilitation All unemployed applicants and members of their households who are 16 years of age or older will be required to accept any suitable job offer or opportunity for rehabilitative services, except as provided below (see Exemptions). Applicants must demonstrate to the administrator that they are available for work and are actively seeking employment.

   A. A "suitable job" means any job which the applicant is mentally and physically able to perform. "Available for work" means that applicants must make themselves available for work during normal business hours prevailing in the area, and show that no circumstance exists which would prevent them from complying with the work requirement.

2. Verification. Unemployed applicants or applicants employed on a part-time basis will be required to provide verifiable documentation of their pursuit of employment at the time of each application. At a minimum, such documentation shall consist of a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted. "Pursuit of employment" means actually submitting a written application or applying for a j ob in person when reasonable, or submitting a written application or letter of inquiry to employers. For the duration of any repeat applicant's period of unemployment or partial employment, the administrator will establish the number of employers per week to whom each non-exempt applicant shall be required to apply in order to fulfill his or her work search requirements. The number of weekly employer contacts required by the administrator shall be reasonably related to the number of potential employers in the region and the number of hours in the week the applicant has available for work search activities after considering all time the applicant must devote to existing employment obligations, workfare obligations, and required classroom or on-site participation in job training, educational, or rehabilitation programs. Fulfillment of these requirements will not be expected at the time of the initial application, but will be a condition of eligibility for subsequent assistance.

3. Disqualification. After being granted assistance at the time of initial application, applicants will be considered ineligible for further assistance for 120 days if they, without just cause;

   A. Refuse to register for employment with the Maine Job Service;

   B. Refuse to search diligently for employment when the search is reasonable and appropriate. Recipients who unreasonably seek work at the same places repeatedly will not be considered to be performing a diligent work search and will be disqualified.

   C. Refuse to accept a suitable job offer;

   D. Refuse to participate in an assigned training, education or rehabilitation program that would assist the applicant in securing employment;

   E. Fail to be available for work;

F. Refuse to participate or participate in a substandard manner in the municipal work program (see Section 7-506).

4. Disqualification for job quit or discharge for misconduct. No applicant, whether an initial or repeat applicant, who has quit his or her full-time or part-time job without just cause or who has been discharged from employment for misconduct will be eligible to receive general assistance of any kind for a 120-day period from the date of separation from employment (22 M.R.S.A. §§ 4301.8, 4316-A (1-A)).

5. Just cause. Applicants will be ineligible for assistance for 120 days if they refuse to comply with the work requirements of this section without just cause. With respect to any work requirement, just cause will be considered to exist when there is reasonable and verifiable evidence that:

   A. The applicant has a physical or mental illness or disability which prevents him/her from working;

   B. The work assignment pays below minimum wages;

   C. The applicant was subject to sexual harassment;

   D. The applicant is physically or mentally unable to perform required job tasks, or to meet piece work standards;

   E. The applicant has no means of transportation to or from work or a training or rehabilitation program;

   F. The applicant is unable to arrange for necessary child care or care of ill or disabled family members; and

   G. Any reason found to be good cause by the Maine Department of Labor, or any other verifiable reason which the administrator considers reasonable and appropriate will be accepted as just cause. (22 M.R.S.A. § 4316-A.5).

6. Applicant's burden of establishing just cause. If the administrator finds that the applicant has violated a work-related rule without just cause, it shall be the responsibility of the applicant to establish the presence of just cause (22 M.R.S.A. § 4316-A).

7. Eligibility regained. Persons who are disqualified for 120 days because they violated a work requirement may regain their eligibility if and only when they become employed or otherwise satisfy the administrator that they are complying with the work requirement by fulfilling the work requirement or requirements they violated.

   For the purpose of regaining eligibility by becoming employed, "employment" shall mean employment by an employer as defined in 26 M.R.S.A. §§ 1043 et seq., or the performance of a service for an employer who withholds from the employee a social security tax pursuant to federal law.

   The special provisions regarding the opportunity to regain eligibility after a disqualification for workfare violations are detailed in Section 7-506 of this Chapter, under Eligibility Regained.

8. Dependents. Failure of an otherwise eligible person to comply with the work requirements shall not affect the eligibility of any member of the person's household who is not capable of working, including:

   A. A dependent minor child;

   B. An elderly, ill, or disabled person; and

   C. A person whose presence is required in order to provide care for any child under

6 years of age or for any ill or disabled member of the household (22 M.R.S.A. § 4309.3). In the event one (or more) member(s) of a household is disqualified and assistance is requested for those remaining members of the household who are dependents, the eligibility of those dependents will be calculated as though the household is composed of the dependents only, except that all household income will be considered as available to them.

9. Exemptions. The above work requirements do not apply to any person who is elderly, physically or mentally ill, or disabled. Any person whose presence is required to care for any preschool age child or for any ill or disabled member of the household is also exempt from these requirements.

   The requirements of this section will not be imposed so as to interfere with an applicant's existing employment, ability to pursue a bona fide job offer, ability to attend an interview for possible employment, classroom participation in a primary or secondary educational program intended to lead to a high school diploma, classroom or on site participation in a training program which is either approved by the Department of Labor or determined by the Department of Labor to be expected to assist the applicant in securing employment, or classroom participation in a degree-granting program operated under the control of the Department of Human Services or Department of Labor.

Sec. 7-506 Municipal Work Program

Each applicant and any member of the household who is capable of working may be required to perform work for the municipality, including work for a non-profit organization, as a condition of receiving assistance (22 M.R.S.A. § 4316-A.2). As part of the municipal work program, the municipality can require recipients to participate in training, education, or rehabilitative programs that will assist the recipient in securing employment. The work requirement provisions found in Section 7-505 regarding just cause, dependents, and exemptions also apply to the municipal workfare program.

1. Consent. Persons assigned to the work program are required to sign a form stating that they understand the requirements of general assistance and the work program. Prior to signing the form, the administrator will read it to the applicants or the applicants will read it themselves. The form will also state the number of hours the applicants must work and the hourly rate by means of which the duration of the work assignment is calculated. In addition, the consent form shall describe the consequences of failing to adequately perform part or all of the workfare or workfare-first assignment.
2. Limitations. The work requirement is subject to the following limitations. (22 M.R.S.A. § 4316-A.3)
   A. No person shall, as a condition of eligibility, be required to do any amount of work that exceeds the value of the net general assistance that the person receives under municipal general assistance standards. Any person performing work under this subsection shall be provided with net general assistance, the value of which is calculated at a rate of at least the prevailing minimum wage under state or federal law. (Note: The federal minimum wage is $5.15/hour effective September 1, 1997.)
   B. No workfare participant shall be required to work for a nonprofit organization if that work would violate the participant's basic religious beliefs.
   C. In no case shall eligible persons performing work under this subsection replace regular municipal employees.
   D. In no case will work performed under this subsection interfere with an eligible

person's:

1) existing employment;
2) ability to follow up on a bona fide job offer;
3) attendance at an interview for possible employment;
4) classroom participation in a primary or secondary educational program intended to lead to a high school diploma; or
5) classroom or on site participation in a training program which is approved by the Department of Labor or determined by the Department of Labor to be reasonably expected to assist the person in securing employment, or classroom participation in a degree-granting program operated under the control of the Department of Human Services or the Department of Labor.

E. In no case may an eligible person be required to work more than 40 hours per week. An eligible person who has full or part-time employment shall be exempt from the work requirement to the extent that the work requirement in combination with his/her regular employment would result in the person working more than 40 hours per week.

F. In no case will an eligible person be required to perform work beyond his/her capabilities. However, when an illness or disability is claimed, an eligible person may be required as a condition of receiving assistance to present a doctor's statement detailing the extent of the disability or illness (22 M.R.S.A. § 4309).

G. If the administrator requires a doctor's statement to verify an applicant's illness or disability, the municipality will pay for the doctor's evaluation if the applicant has no means to pay for the exam, however in such a case the administrator will choose the doctor. The administrator will not require verification of medical conditions which are apparent or which are of such short duration that a reasonable person would not ordinarily seek medical attention (22 M.R.S.A. § 4316.5).

H. In no case may an eligible person with an immediate need (i.e., a person in an emergency situation who has not been disqualified from receiving assistance for committing a program violation) be required to perform work under this subsection prior to receiving general assistance. The administrator shall meet immediate needs upon receiving written assurance from the eligible person that he/she is willing to work to maintain eligibility for general assistance. When the recipient has no immediate need, workfare participation may be required prior to receiving general assistance in accordance with the following "workfare first" policy.

3. "Workfare first" policy. Under the authority of 22 M.R.S.A. § 43 16-A(2)(D), the administrator may, in accordance with the following guidelines, require a recipient of general assistance to perform a workfare assignment prior to the actual issuance of the general assistance benefit conditionally granted.

A. In no circumstance will emergency general assistance for which an applicant is eligible be withheld pending the satisfactory performance of workfare.

B. All workfare participants under this policy will be provided a written decision, as otherwise required by law, within 24 hours of submitting an application for general assistance and prior to performing any workfare for the municipality associated with that request for assistance. That written decision must include:

1) a specific description of the amount of general assistance being conditionally granted to the household, and for which basic needs;

2) the period of eligibility for which the general assistance grant is being issued (in days or weeks, but not to exceed 30 days);

3) the rate, at a dollar-per-hour basis (but not less than the prevailing minimum wage), upon which the duration of the workfare assignment is calculated;

4) the actual duration of the workfare assignment that must be performed, in hours, before the general assistance grant will be actually issued;

5) the specifics of the workfare assignment(s), including the general nature of the type of work being assigned, location(s) of work-site, date(s) and time(s) of assigned workfare, workfare supervisors' names and contact telephone numbers, and;

6) any other pertinent information related to the workfare assignments) the recipient will be expected to perform.

C. As previously provided in this section, all workfare participants under this policy must sign a consent form that informs the participant of his or her workfare-related rights and responsibilities, including the consequences of failing to perform all or part of the workfare assigned without just cause.

D. In addition to any disqualification penalty that may apply, the consequences of refusing to perform or completely failing to perform the workfare assignment, without just cause, or performing the entire workfare assignment below the average standards that job without just cause, will be the termination of the entire general assistance grant. Notice of the grant termination will be provided the workfare participant in accordance with Section 7-609 of this Chapter.

E. If some of the workfare-first assignment is satisfactorily performed but there has been a failure to perform the remainder of the assignment, without just cause, the administrator shall issue a grant of general assistance in the amount of the number of workfare hours satisfactorily performed times the hourly rate used to calculate the duration of the workfare assignment. In addition to any disqualification penalty that may apply, the remaining value of the conditionally issued general assistance grant shall be terminated, and notice of the partial termination, and the reasons therefore, will be issued to the workfare participant in accordance with Section 7-609 of this Chapter.

F. Any amount of the workfare assignment that is not performed because the workfare participant was temporarily unable to perform the assignment for just cause reasons shall be reassigned.

4. Work-related expenses. A participant's expenses related to work performed under this section will be added to the amount of net general assistance to be provided to the person (22 M.R.S.A. § 4316.2(E)). The municipality will provide any special clothes or equipment the recipient needs to perform his/her work assignment.

5. Disqualification. Any person who willfully fails to perform or willfully performs below average standards the work assigned by the municipality, without just cause, will be ineligible for assistance for 120 days. (22 M.R.S.A. § 4316-A.1). As soon as the administrator knows that a recipient failed to fulfill the work assignment, the administrator will notify the recipient in writing that he/she is disqualified for 120 days unless the recipient can show just cause. The burden of demonstrating a just cause failure to perform a workfare assignment falls on the workfare participant.

6. Eligibility regained. Recipients who are disqualified from receiving assistance because they have violated the requirements of the municipal work program may regain their eligibility under the following conditions.

   Recipients who fail to complete the first municipal work assignment they have been given will be disqualified from receiving assistance during the next 120 days, although dependents in the household may be eligible (see Section 7-505 - Dependents).

   If during the 120-day disqualification period the recipient requests an opportunity to perform the work assignment which he or she, without just cause, failed to perform, the disqualified recipient will be given an opportunity to regain eligibility. The administrator will give the recipient a work assignment as soon as possible. If under such a set of circumstances the recipient has an emergency need and the administrator is unable to schedule a work assignment in time to alleviate the emergency, the administrator will provide sufficient assistance to the recipient to avert the emergency, but the provision of such emergency assistance will not bar the administrator from subsequently enforcing the 120-day disqualification if the recipient fails to regain eligibility by satisfactorily performing the work assignment. The amount of emergency assistance granted will be considered in the computation of the total number of hours the recipient must work.

   Recipients who have asked to regain their eligibility during a 120 day disqualification period and who agreed to fulfill the assignment which they previously failed to perform and who, without just cause, fail to fulfill their municipal work assignment will be considered to have acted in bad faith. In such a circumstance, the administrator will enforce the 120-day disqualification for the term of its initial duration.

   If a workfare participant regains eligibility under this section but is subsequently disqualified within the initial 120-day period of disqualification for failing to comply with the municipal work program, that participant will be ineligible for a new 120-day period beginning with the new disqualification date, but with no opportunity to requalify.

   Any recipient who intentionally causes damage to property or harms other employees by his/her actions and is discharged by the work supervisor will not be entitled to regain eligibility by returning to the work program. Eligibility may be regained by otherwise becoming employed and meeting the definition of need.

7. Reports. The administrator will itemize the assistance that has been provided to persons who work for the municipality in reports to the Department of Human Services (22 M.R.S.A. § 4316-A.2).

Sec. 7-507 Use of Resources

Each applicant has the responsibility to make a good faith effort to utilize every available or potential resource which may reduce his/her need for general assistance (see definition of Resources). People who refuse or fail to make a good faith effort to secure a potential resource after receiving written notice to do so are disqualified from receiving assistance until they make an effort to secure the resource. Applicants are required to prove that they have made a good faith effort to secure the resource (22 M.R.S.A. § 4317).

1. Minors. A minor under the age of 18 who has never married and is applying independently for general assistance and who is pregnant or has a dependent child or children will be eligible to receive general assistance only if the minor is residing in the home of his or her parent, legal guardian or other adult relative, in which case the entire household will be evaluated for eligibility. Exceptions to this limitation on eligibility will be made when:

A. The minor is residing in a foster home, maternity home, or other adult-supervised supportive living arrangement; or

B. The minor has no living parent or the whereabouts of the both parents are unknown; or

C. No parent will permit the minor to live in the parent's home; or

D. The minor has lived apart from both parents for at least one year before the birth of any dependent child; or

E. The Department of Human Services determines that the physical or emotional health or safety of the minor or the minor's dependent child or children would be jeopardized if the minor and his or her child or children lived with a parent; or

F. The Department of Human Services determines, in accordance with its regulation, that there is good cause to waive this limitation on eligibility. (22 M.R.S.A. § 4309.4).

Any person under the age of 25 who is applying independently from his/her parents for general assistance will be informed that until he or she reaches the age of 25, the applicant's parents are still legally liable for his/her support and the municipality has the right to seek recovery from the parents of the cost of all assistance granted to such a recipient to the extent his/her parents are financially capable of repaying the municipality. (22 M.R.S.A. §4319). With regard to any such application, the municipality may seek verification of the applicant's need for general assistance by contacting his/her parents. If the applicant's parents declare a willingness to provide the applicant with his/her basic needs directly, and there is no convincing evidence that the applicant would be jeopardized by relying on his/her parents for basic needs, the administrator may find the applicant to be in no need for general assistance for the reason that his/her needs are being provided by a legally liable relative.

2. Mental or physical disability. Any applicant who has a mental or physical disability must make a good faith effort to utilize any medical or rehabilitative services which have been recommended by a physician, psychologist or other professional retraining or rehabilitation specialist when the services are available to the applicant and would not constitute a financial burden or create a physical risk to the individual.

3. Written notice: disqualification. The administrator will give each applicant written notice whenever the applicant is required to utilize any specific potential resources. Any applicant who refuses to utilize such potential resources, without just cause, after receiving written 7-day notice will be ineligible for further assistance until he/she has made a good faith effort to utilize the resources.

   General assistance will not be withheld from the applicant pending receipt of a resource if the applicant has made, or is in the process of making, a good faith effort to obtain the resource.

4. Forfeiture of benefits. Any applicant who forfeits receipt of or causes a reduction in benefits from another public assistance program due to fraud, misrepresentation, a knowing or intentional violation of program rules or a refusal to comply with that program's rules without just cause will be ineligible to receive general assistance to replace the forfeited benefits. To the extent the forfeited benefits can be considered income under general assistance law, the worth of the forfeited benefits will be considered income that is available to the applicant for the duration of the forfeiture. To the extent the forfeited benefits were provided not in the form of income but, rather, in the form of a specific, regularly issued resource of a calculable value, that resource, up to its forfeited value, need not be replaced with general assistance for a period of

120 days from the date of the forfeiture unless the municipality is prohibited by federal or state law from considering the forfeited resource as available with respect to local public assistance programs (22 M.R.S.A. §4317).

Sec. 7-508 Period of Disqualification

No one will have his/her assistance terminated, reduced, or suspended prior to being given written notice and an opportunity for a fair hearing (22 M.R.S.A. §§ 4321-4322). Each person will be notified in writing of the reasons for his/her ineligibility, and any person disqualified for not complying with the ordinance will be informed in writing of the period of disqualification.

1. Work requirement. People who do not comply with a work requirement are disqualified from receiving assistance for a period of 120 days (unless they regain their eligibility; see Sections 7-505 and 506). Recipients who do not comply with the work requirement associated with their grant of assistance and are disqualified before the period covered by the grant of assistance expires shall be disqualified for 120 days following the end of the period covered by the assistance grant. People who do not comply with a work requirement and are disqualified after the period covered by the grant of assistance expires will be disqualified for 120 days from the date of the written notice of disqualification. The administrator shall give recipients written notice that they are disqualified as soon as the administrator has sufficient knowledge and information to render a decision of disqualification.
2. Fraud. People who commit fraud are disqualified from receiving assistance for a period of 120 days. (see Section 7-604 - Fraud). The administrator shall give recipients written notice that they are disqualified as soon as the administrator has sufficient knowledge and information to render a decision. If a disqualification for fraud is issued before the expiration of a grant of assistance, the period of disqualification shall commence on the day following the end of the period covered by the grant of assistance. If fraud is discovered after the period covered by the grant of assistance has expired, the period of ineligibility will commence on the day of the written notice of disqualification.

ARTICLE 6 DETERMINATION OF ELIGIBILITY

Sec. 7-601 Recognition of Dignity and Rights

Any determination or investigation into an applicant's eligibility will be conducted in a manner that will not violate the applicant's privacy or personal dignity or violate his/her individual rights.

Sec. 7-602 Determination: Redetermination

The administrator will make an individual, factual determination of eligibility each time a person applies or reapplies for general assistance. The administrator will make a redetermination of eligibility at least monthly but may do so as often as necessary to administer the program efficiently and meet the needs of the applicants. Upon any application, the administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis, but may elect to disburse that applicant's assistance periodically, e.g., weekly, throughout a 30-day period of eligibility pursuant to that initial eligibility determination.

The administrator may redetermine a person's eligibility at any time during the period he/she is receiving assistance if the administrator is notified of any change in the recipient's circumstances that may alter the amount of assistance the recipient may receive. Once a recipient has been granted assistance, the administrator may not reduce or rescind the grant without giving prior written notice to the recipient explaining the reasons for the decision and offering the recipient an opportunity to appeal the decision to the fair hearing authority (22 M.R.S.A. § 4309).

Sec. 7-603 Verification

1. Applicant's responsibility. Each applicant and recipient has the responsibility at the time of application and continuing thereafter to provide complete, accurate and current information and documentation concerning his/her needs, income, use of income, expenses, and any changes in information previously reported on the application. The administrator will require documentation of the applicant's income, use of income, assets and resources plus actual bills and receipts for rent, utilities, fuel, telephone, medical services and other basic necessities that are reasonably obtainable. The recipient is responsible for notifying the administrator of any changes in his/her household or income that may affect his/her eligibility.

   When determining an applicant's eligibility, the administrator will seek all necessary information first from the applicant. Information needed from other sources, with the exception of public records, will be gathered only with the knowledge and consent of the applicant (22 M.R.S.A. § 4309.1-B).

2. Decision. If an applicant does not have the necessary information at the time of application, the administrator will give the applicant the opportunity to provide the information prior to the expiration of the 24 hour period within which the administrator must act on the application. Except when assistance is conditionally granted pursuant to this municipality's workfare-first policy (see Section 7-506), if all the necessary information has been provided and the applicant is eligible, assistance will be granted. If the applicant does not provide the required information needed within the 24 hour period, and the administrator cannot determine the applicant's eligibility, the applicant will be denied assistance for that reason (22 M.R.S.A. § 4309.1-B).

3. Denial of assistance. The administrator will not grant assistance to any applicant who refuses to supply necessary information and documentation concerning his/her

needs, income and other resources, or who refuses to grant permission for the administrator to contact other persons to verify the information. If the administrator has attempted to verify the information but is unable to determine if the applicant is eligible because the applicant has refused to provide or allow the administrator to verify the necessary information, the applicant will be denied assistance until the necessary verification has been accomplished (22 M.R.S.A. § 4309.1-B).

4. Right to verify. It is the administrator's responsibility to determine and verify the eligibility of each applicant. The administrator may seek and verify information from all appropriate sources including, but not limited to: the Department of Human Services and any other department of the state having information that has a bearing on an applicant's eligibility, financial institutions, employers, landlords, physicians, and legally liable relatives. The administrator will request the applicant's written consent authorizing the administrator to receive the necessary information (22 M.R.S.A. § 4314).
5. Penalty refusing to release information. Any person governed by 22 M.R.S.A. § 4314 who refuses to provide necessary information to the administrator after it has been requested must state in writing the reasons for the refusal within 3 days of receiving the request. Any such person who refuses to provide the information, without just cause, commits a civil violation and may be subject to a fine of not less than $25 nor more than $100 which may be adjudged in any court of competent jurisdiction. Any person who willfully renders false information to the administrator is guilty of a Class E crime (22 M.R.S.A. §§ 4314.5, 4314.6, 4315).

Sec. 7-604 Fraud

1. False representation. It is unlawful for a person to make knowingly and willfully a false representation of a material fact to the administrator in order to receive general assistance or cause someone else to receive general assistance. (22 M.R.S.A. § 4315). False representation shall consist of any individual knowingly and willfully:
   A. Making a false statement to the general assistance administrator, either orally or in writing, in order to obtain assistance to which the applicant or the applicant's household is not entitled;
   B. Concealing information from the general assistance administrator in order to obtain assistance to which the applicant or applicant's household is not entitled; or
   C. Using general assistance benefits for a purpose other than that for which they were intended.
   D. No person may be denied assistance solely for making a false representation prior to being given an opportunity for a fair hearing.

2. Period of ineligibility. When the general assistance administrator finds that a person has knowingly and willfully misrepresented material facts for the purpose of making himself or herself eligible for general assistance, the administrator shall notify that applicant in writing that he or she has been disqualified from receiving assistance for 120 days. For the purpose of this section, a material misrepresentation is a false statement about an eligibility factor in the absence of which some or all of the assistance would not be or would not have been granted. The notification of disqualification issued by the administrator shall inform the applicant of his/her right to appeal the administrator's decision to the fair hearing authority within 5 working days of receipt. The period of ineligibility shall commence on the day following the end of

the period covered by the grant of assistance fraudulently received or upon the date of notification of disqualification, whichever is later.

3. Right to a fair hearing. Any applicant who is denied assistance for making a false representation will be afforded the opportunity to appeal the decision to the fair hearing authority in accordance with Article VII of this ordinance. No recipient shall have his/her assistance reduced or revoked during the period of eligibility before being notified and given the opportunity to appeal the decision. Any person who is dissatisfied with the decision of the fair hearing authority may appeal that decision to the Superior Court pursuant to Rule 80-B of the Maine Rules of Civil Procedure (22 M.R.S.A. § 4309.3).
4. Reimbursement. If a recipient does not appeal the decision or if the fair hearing authority determines that a recipient did make a false representation, the recipient will be required to reimburse the municipality for any assistance received to which he/she was not entitled.
5. Dependents. In no event will the disqualification of a person under this section serve to disqualify any eligible dependent in that household (22 M.R.S.A. § 4309.3). In the event one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated as though the household is comprised of the dependents only, except that the entire household income will be considered available to them.

Sec. 7-605 Period of Eligibility

The administrator will grant assistance to all eligible persons for a period that is sufficient to meet their need but in no event may a grant of assistance cover a period in excess of one month (22 M.R.S.A. § 4309). Upon any application the administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis. For reasons of administrative efficiency, however, the administrator may elect to disburse that applicant's assistance for shorter periods of time, such as weekly, throughout the 30-day period of eligibility. When the administrator elects to disburse general assistance for a period of time less than 30 days, subsequent grants of assistance during that 30-day period may be issued pursuant to the initial determination of need unless the applicant's financial situation changes substantially enough to warrant a redetermination of eligibility.

Sec. 7-606 Determination of Need

The period of time used to calculate need will be the next 30-day period from the date of application (22 M.R.S.A. § 4301.7). The administrator will calculate applicants' expenses according to the actual expense of the basic necessity or the maximum levels for the specific necessities allowed in Section 7-608, whichever is less. The sum of these expenses, as calculated for a prospective 30-day period, is the applicant's 30-day need. Applicants will not be considered eligible if their income and other resources exceed this calculation except in an emergency (see section 4.9, 22 M.R.S.A. § 4308.2).

Applicants will also not be considered in need of general assistance if their income, property, credit, assets or other resources available to provide basic necessities for their household are greater than the applicable overall maximum level of assistance set forth in the beginning of Section 7-608 (22 M.R.S.A. §§ 4301.10,4305.3-B). The difference between the applicant's income and the overall maximum levels of assistance established by this ordinance is the applicant's deficit. Once an applicant's deficit has been determined, the specific maximum levels of assistance for each basic necessity listed in section 6.8 shall be used by the administrator to guide the distribution of assistance for which the applicant is eligible. The specific maximum levels of assistance for each

basic necessity are intended to be reasonable and sufficient to help recipients maintain a standard of health and decency (22 M.R.S.A. § 4305.3-A).

1. Income for basic necessities. Applicants are required to use their income for basic necessities. Except for initial applicants, no applicant is eligible to receive assistance to replace income that was spent within the 30-day period prior to an application for assistance on goods and services that are not basic necessities. All income spent on goods and services that are not basic necessities will be considered available to the applicant and combined with the applicant's prospective 30-day income for the purposes of computing eligibility (22 M.R.S.A. § 4315-A). Applicants who have sufficient income to provide their basic necessities but who use that income to purchase goods or services which are not basic necessities will not be considered eligible for assistance. Persons who exhaust their income on basic necessities and who still need assistance with other basic necessities will be eligible, provided that their income does not exceed the overall maximum level of assistance.
2. Use of income requirements. The administrator may require that anyone applying for general assistance must document his/her use of income to the administrator. This documentation can take the form of canceled checks and/or receipts which demonstrate that the applicant has exhausted all household income received over the last 30-day period. Any repeat applicant may be required to verify that such an expenditure of income was for basic necessities.

Allowable expenditures include reasonable shelter costs (rent/mortgage); the cost of heating fuel, electricity, and food up to the ordinance maximums; telephone costs at the base rate if the household needs a telephone for medical reasons, the cost of nonelective medical services as recommended by a physician which are not otherwise covered by medical entitlement or insurance; the reasonable cost of essential clothing and non-prescription drugs, and the costs of any other commodity or service determined essential by the administrator.

Cable television, cigarettes/alcohol, gifts purchased, costs of trips or vacations, court fines paid, repayments of unsecured loans, credit card debt, costs associated with pet care, etc., are not considered basic necessities and will not be included in the budget computation.

The municipality reserves the right to apply specific use-of-income requirements to any applicant, other than an initial applicant, who fails to use his/her income for basic necessities or fails to reasonably document his/her use of income (22 M.R.S.A. § 4315-A). Those additional requirements will be applied in the following manner:

A. The administrator may require the applicant to use some or all of his/her income, at the time it becomes available, toward specific basic necessities. The administrator may prioritize such required expenditures so that most or all of the applicant's income is applied to housing (i.e., rent/mortgage), energy (i.e., heating fuel, electricity), or other specified basic necessities.
B. The administrator will notify applicants in writing of the specific use-ofincome requirements placed on them.
C. If upon subsequent application it cannot be determined how the applicant's income was spent, or it is determined that some or all of the applicant's income was not spent as directed and was also not spent on basic necessities, the applicant will not be eligible to receive either regular or emergency general assistance to replace that income.

D. If the applicant does not spend his/her income as directed, but can show with verifiable documentation that all income was spent on basic necessities up to allowed amounts, the applicant will remain eligible to the extent of the applicant's eligibility and need.

3. Calculation of income and expenses. When determining eligibility, the administrator will subtract the applicant's net income from the overall maximum level of assistance found at the beginning of Section 7-608. If income is greater than the overall maximum level of assistance, the applicant will not be eligible except in an emergency (see Section 7-409). If income is less than the overall maximum level of assistance, the applicant has a deficit.

   The municipality will provide assistance in an amount up to the deficit to the extent the applicant also has an unmet need and is in need of basic necessities. The municipality will not grant assistance in excess of the maximum amounts allowed in Section 7-608 of this Chapter for specific basic necessities except in an emergency or when the administrator elects to consolidate the applicant's deficit, as provided immediately below.

4. Consolidation of deficit. As a general rule and to the extent of their deficit, applicants will be eligible for assistance for any basic necessity up to, but not exceeding, the maximum amount allowed for that necessity in this ordinance or the actual 30-day cost of the necessity, whichever is less. Under certain circumstances, however, and in accordance with the following conditions, the administrator may consolidate the applicant's deficit and apply it toward a basic necessity in an amount greater than the maximum under this Chapter for that necessity.

   A. The practice of consolidating the deficit and applying it toward a basic necessity in amounts greater than the maximum under this Chapter shall be the exception rather than the rule;

   B. The total general assistance grant cannot exceed the total deficit unless the applicant is in an emergency situation; and

   C. The need for the application of the recipient's consolidated deficit toward a basic necessity was not created by the recipient misspending his or her income or resources in violation of the use-of-income requirements of this Chapter.

Sec. 7-607 Income

1. Income standards. Applicants whose income exceeds the overall maximum level of assistance provided in Section 7-608 shall not be eligible for general assistance except in an emergency. The administrator will conduct an individual factual inquiry into the applicant's income and expenses each time an applicant applies.

2. Calculation of income. To determine whether applicants are in need, the administrator will calculate the income they will receive during the next 30-day period commencing on the date of application, and identify any assets or resources that would alleviate their need. For all applicants other than initial applicants, the administrator will also consider as available income any income that was not spent during the previous 30-day period on basic necessities, as well as any income that was spent on basic necessities in unreasonable excess of the ordinance maximums for specific basic necessities. If a household's income exceeds the amount of the household's need for basic necessities, up to the maximum levels contained in Section 7-608, applicants will not be considered in need. Exceptions will be made in emergency situations which may necessitate that the maximum levels be exceeded (22 M.R.S.A. [4308; see

Section 7-409). To calculate weekly income and expenses, the administrator will divide the applicants' monthly income and expenses by 4.3.

3. Types of income. Income that will be considered in determining an applicant's need includes:

   A. Earned income. Income in cash or in kind earned by the applicant through wages, salary, commissions, or profit, whether self-employed or as an employee, is considered earned income. If a person is self-employed, total income will be computed by subtracting reasonable and actual business expenses from gross income. When income consists of wages, the amount computed will be the income available after taxes, social security and other payroll deductions required by state, federal, and local law. Rental income and profit from produce that is sold is considered earned income. Income that is held in trust and unavailable to the applicant or the applicant's dependents will not be considered as earned income.

   B. NOTE: Actual work-related expenses such as union dues, transportation to and from work, special equipment or work clothes, and child care costs will not be considered available income and will be deducted (22 M.R.S.A. § 4301.7).

   C. Income from other assistance or social services programs. State/federal categorical assistance benefits, SSI payments, Social Security payments, VA benefits, unemployment insurance benefits, and payments from other government sources will be considered as income, unless expressly prohibited by federal law or regulation. Federal law prohibits Food Stamps and fuel assistance payments made by the Home Energy Assistance Program (HEAP and EPIC) from being considered income. The value of the food stamps or fuel assistance will not be used to reduce the amount of general assistance the is eligible to receive, although applicants may have only a limited or reduced need for general assistance for heating fuel or electricity if a recently received HEAP/ECIP benefit has sufficiently credited their account or otherwise obviated an actual fuel-related cost over the prospective 30-day period. The administrator's obligation is to always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid for his/her total fuel costs. Accordingly, in such cases, the administrator will budget for the household's heating energy needs according to actual usage, up to the ordinance maximums, but the administrator may, with written notice to the applicant, hold in reserve the heating energy portion of the applicant's deficit until such a time during the period of eligibility that the applicant has a demonstrable need for the disbursement of heating energy assistance; that is, the applicant's fuel tank can accept a minimum fuel delivery or the applicant no longer has a positive credit balance with his/her utility company. The municipality is not obligated to divert any recipient's heating energy allowance toward non-heating purposes solely on the basis of the recipient's receipt of HEAP/ECIP.

   D. Court-ordered support payments. Alimony and child support payments will be considered income only if actually received by the applicant. The general assistance administrator will refer cases where support payments are not actually received to the State Department of Human Services' Support Enforcement Location Unit.

   E. Income from other sources. Payments from pensions and trust funds will be considered income. Payments from boarders or lodgers will be considered income as will cash or in-kind contributions provided to the household from any other source, including relatives (22 M.R.S.A. § 4301.7).

F. Earnings of a son or daughter. Earned income received by sons and daughters below the age of 18 who are full-time students and who are not working full-time will not be considered income. The unearned income of a minor in the household will be considered available to the household.

G. Income from household members. Income from household members will be considered available to the applicant, whether or not the household member is legally obligated for the support of the applicant, if the household members pool or share their income and expenses as a family or intermingle their funds so as to provide support to one another.

H. The pooling or non-pooling of income. When two or more individuals share the same dwelling unit but not all members of the household are applying for general assistance, the administrator shall make a finding under a rebuttable presumption that the entire household is pooling income (22 M.RS.A. § 4301.12-A). One or more applicants for assistance can successfully rebut the presumption that all household income is being pooled by providing the administrator with verifiable documentation affirmatively demonstrating a pattern of non-pooling for the duration of the shared living arrangement. Such documentation would include evidence of the entire household expenses as well as bank statements, canceled checks, receipts, landlord statements or other vendor accounts clearly supporting a claim that the applicant has been and is presently solely and entirely responsible for his or her pro-rata share of household costs. If the applicant is unable to successfully rebut the municipality's presumption that all household income is being pooled, eligibility of the entire household will be determined based on total household income. If the applicant successfully rebuts the municipality's presumption that all household income is being pooled, the applicant's eligibility will be determined on the basis of his/her income and his/her pro-rata share of actual household expenses.

I. Lump sum income. A lump sum payment as defined in this ordinance and received by a household prior to the date of application for general assistance will be considered as income available to the household, with the exception of any required payments (i.e., any third party payment which is required as a condition of receiving the lump sum payment, or any payments of bills earmarked for the purpose for which the lump sum payment was made) and any amount of the lump sum payment which the applicant can document was spent on basic necessities, as described below.

J. In the case where a lump sum payment was received by a household at any time prior to the date of application for general assistance, the administrator will assess the need for prorating an applicant's eligibility for general assistance according to the following criteria (22 M.R.S.A. § 4301.7):

1) Identify the date the lump sum payment was received;

2) Subtract from the lump sum payment all required payments;

3) Subtract from the lump sum any amount the applicant can demonstrate was spent on basic necessities, including all basic necessities provided by general assistance in reasonable conformance with the specific maximum levels of assistance, per month, provided in this ordinance; any reasonable payment of funeral or burial expenses for a family member; any reasonable travel costs related to the illness or death of a family member; repair or replacement of essentials lost due to fire, flood or other natural disaster; repair or purchase of

a motor vehicle essential for employment, education, training or other day-to-day living necessities (22 M.R.S.A. § 4301.7);

4) Add to the remainder all income received by the household between the date of receipt of the lump sum payment and the date of application for general assistance; and

5) Divide the sum created by subsection (4) by the aggregate maximum monthly allocation of general assistance available to the household pursuant to 22 M.R.S.A. §4305.3-B (Appendix A).

The dividend remaining after following the above guidelines represents the number of months from the receipt of the lump sum payment during which an income level equivalent to the maximum monthly allocation of general assistance for the household will be deemed available to that household. No proration of lump sum income can extend longer than 12 months from the date of application. Applicants who have been declared ineligible for reasons of lump sum proration will not be eligible for emergency general assistance during the period of proration.

Sec. 7-608 Basic Necessities: Maximum Levels of Assistance

1. Overall maximum levels of assistance. Notwithstanding any of the maximum levels of assistance for specific basic necessities listed in this section, an applicant's eligibility for general assistance will be first determined by subtracting his/her income from the overall maximum level of assistance designated immediately below for the applicable household size (22 M.R.S.A. § 4305.3-B). The difference yielded by this calculation shall be the applicant's deficit. Applicants will be eligible for general assistance up to the calculated deficit to the extent the applicant is unable to otherwise provide the basic necessities essential to maintain themselves or their families. Applicants with no deficit shall be found ineligible for general assistance unless they are in an emergency, in which case eligibility for emergency general assistance will be determined according to Section 7409 of this Chapter.

No. in Household Monthly

Refer to “General Assistance Manual” by Maine Municipal Association.

2. Maximum levels of assistance for specific basic necessities. The municipality will grant assistance to eligible applicants for basic necessities according to the maximum levels for specific types of assistance set forth below. The administrator, in consultation with the applicant, may apply the amount of the applicant's deficit toward assistance with any one or combination of necessities not to exceed the total deficit. These maximum levels will be strictly adhered to unless the administrator determines that there are exceptional circumstances and an emergency is shown to exist, in which case these absolute levels will be waived in order to meet immediate needs. In all cases either the actual expenses the applicant incurs for basic necessities or the maximum amount allowed in each category, whichever is less, will be used in determining need.

   In roommate situations, the applicant's need for common living expenses for rent, fuel, electricity, etc., will be presumed to be reduced by an amount equal to the other household members' proportionate fair share of the common living expenses. No applicant will be allowed to claim a need for any expense which has been or will be paid by another person. In addition, as a general rule the municipality will not provide a benefit toward a basic need by paying a bill that is issued to a person not living with the applicant's household or that has otherwise been incurred by a person who has not been found eligible to receive assistance. Temporary exceptions to this general rule may be made by the administrator in the following circumstances: (i) a recent,

unplanned separation has occurred in the household resulting in the sustained or permanent absence of a former household member in whose name the bill was customarily issued; (ii) the applicant and members of the applicant's household were or will be the sole recipients of the commodities or services covered by any bill to be paid or partially paid with general assistance; and (iii) the applicant will make a good faith effort to direct the vendor to issue future bills in the name of the applicant or other responsible person residing in the household.

A. Food. The administrator will provide food assistance to eligible persons up to the allowed maximum amounts designated by the U.S.D.A. Thrifty Food Plan for the appropriate household size. For this purpose, the municipality hereby incorporates by reference the U.S.D.A. Thrifty Food Plan, as distributed by the Maine Department of Human Services on or about October of each year. In determining need for food the administrator will not consider the value of the food stamps an applicant receives as income (22 M.R.S.A. § 4301.7(A); 7 U.S. §2017(b)). The municipality will authorize vouchers to be used solely for approved food products.

B. The maximum amounts allowed for food are:

C. Refer to “General Assistance Manual” by Maine Municipal Association.

D. The administrator will exceed the above maximums when necessary for households having members with special dietary needs. The administrator may require a doctor's statement verifying there is a special dietary need requiring an expenditure for food that is greater than the ordinance maximums.

E. Housing. The administrator will provide assistance with rent or mortgage payments that are reasonable and within the allowed maximum levels below. It is the applicant's responsibility to find suitable housing, although the administrator may help the applicant find housing when appropriate. The administrator will inform the applicant of the allowed housing maximums to assist the applicant in his/her search for housing. The allowed maximum for any applicant will be the categorical housing maximum representing the minimum dwelling unit space necessary to adequately shelter the applicant household. Applicants requesting assistance for housing that contains more bedrooms than are necessary for the number of household members will be provided assistance according to the maximum level for the number of rooms actually needed.

1) Rental payments to relatives. The municipality may elect to not issue any rental payment to an applicant's relatives unless the rental relationship has existed for at least three months and the applicant's relative(s) rely on the rental payment for their basic needs. For the purpose of this section, a "relative" is defined as the applicant's parents, grandparents, children, grandchildren, siblings, parent's siblings, or any of those relative's children (22 M.R.S.A. § 4319.2).

2) Rental payments to private homes. When applicants are living in private homes or sharing dwelling units with other people who are not requesting general assistance, the amount allowed as the applicant's shelter expense will be the applicant's prorata share of the actual, total shelter cost, up to the ordinance maximum (22 M.R.S.A. § 4301.6).

   Any housing assistance issued to a recipient in such a circumstance will be issued, whenever reasonably possible, to the landlord or property owner with the most superior interest in the property; i.e., to a landlord before a tenant, or to a mortgagee before a mortgagor.

When the municipality issues in aggregate more than $600 in rental payments to any landlord in any calendar year, a 1099 form declaring the total amount of rental payments issued during the calendar year will be forwarded to the Internal Revenue Service (IRS) pursuant to IRS regulation. See section 6041(a) of Internal Revenue Code.

Any landlord wishing to regularly receive rental payments from the municipality on behalf of applicants renting rooms from the landlord's own residence must, at a minimum, make a good faith effort to obtain a lodging license from the Department of Human Services, Division of Health Engineering, pursuant to 10-144A Code of Maine Regulations, Chapter 201, as a condition of that landlord receiving future general assistance payments on behalf of his or her tenants.

3) Mortgage payments. In the case of a request for assistance with a mortgage payment, the general assistance administrator will make an individual factual determination of whether the applicant has an immediate need for such aid. In making this determination, the administrator will consider the extent and liquidity of the applicant's proprietary interest in the housing. Factors to consider in making this determination include:

   a) the marketability of the shelter's equity,

   b) the amount of equity,

   c) the availability of the equity interest in the shelter to provide the applicant an opportunity to secure a short-term loan in order to meet immediate needs,

   d) the extent to which liquidation may aid the applicant's financial rehabilitation,

   e) a comparison between the amount of mortgage obligations and the anticipated rental charges the applicant would be responsible for if he/she were to be dislocated to rental housing,

   f) the imminence of the applicant's dislocation from owned housing because of his/her inability to meet the mortgage payments,

   g) the likelihood that the provision of housing assistance will prevent such dislocation, and

   h) the applicant's age, health, and social situation.

   These factors shall be considered when determining whether the equity in the shelter is an available asset which may be substituted for the assistance the municipality would otherwise be required to provide. If after reviewing the above criteria the administrator determines that: (i) the monthly mortgage obligation is in accordance with the maximum levels of assistance available for housing appropriate to the applicant's household size; (ii) there is no capacity in the accumulated equity in the property, when considered in the context of the applicant's borrowing capacity with the mortgagee or the general lending community, to suspend the mortgage obligation temporarily or reamortize the mortgage in such a way as to suspend or reduce the mortgage obligation; and (iii) the failure to provide a mortgage payment in a timely manner could jeopardize the applicant's continued right of possession of the property, then the administrator shall consider issuing a benefit in response to the applicant's request for mortgage assistance to the extent the applicant is otherwise eligible for general assistance.

If a mortgage payment is necessary, the administrator will pay the actual amount due, up to the amount allowed according to the maximum levels listed below. After an initial application, assistance with such payments will be given only after the applicant has made all reasonable efforts to borrow against the equity of his/her home. If there is not sufficient equity in the home with which to secure a loan, and if the monthly mortgage payments are not realistically in line with the rental rates for similar housing in the area that could meet the applicant's needs, the administrator will inform the applicant that he/she is responsible for finding alternative housing within his/her ability to pay and will be obligated to make all reasonable efforts to secure such housing.

4) Liens. The municipality may place a lien on the property in order to recover its costs of granting assistance with mortgage payments (22 M.R.S.A. § 4320). No lien may be enforced against a recipient except upon his/her death or the transfer of the property. Further, no lien may be enforced against a person who is currently receiving any form of public assistance, or who would again become eligible for general assistance if the lien were enforced.

   If the municipality determines that it is appropriate to place a lien on a person's property to recover its costs of providing general assistance for a mortgage payment it must file a notice of the lien with the county registry of deeds where the property is located within 30 days of making the mortgage payment. That filing shall secure the municipality's or the state's interest in an amount equal to the sum of that mortgage payment and all subsequent mortgage payments made on behalf of the same eligible person, plus interest and costs. Not less than 10 days prior to filing the lien in the registry, the municipal officers must send notice to the owner of the real estate, the general assistance recipient, and any record holder of the mortgage by certified mail, return receipt requested, that a lien on the property is going to be filed with the registry. This notice must clearly inform the recipient of the limitations upon enforcement plus the name, title, address and telephone number of the person who granted the assistance. The municipal officers must also give written notice to the recipient each time the amount secured by the lien is increased because of an additional mortgage payment or the imposition of interest. This notice must include the same information that appeared on the original intent-to-file notice sent to the recipient.

   The municipality will charge interest on the amount of money secured by the lien. The municipal officers will establish the interest rate not to exceed the maximum rate of interest allowed by the State Treasurer to be charged against delinquent taxes. The interest will accrue from the date the lien is filed.

5) Property taxes. In the event an applicant requests assistance with his/her property taxes, the administrator will inform the applicant that there are two procedures on the local level to request that relief: the poverty abatement process (36 M.R.S.A. § 841(2)) and General Assistance. If the applicant chooses to seek property tax assistance through General Assistance, or if the applicant is denied a poverty tax abatement, the administrator may consider using general assistance to meet this need only if:

   a) the property tax in question is for the applicant's place of residence;

   b) there is a tax lien on the property which is due to mature within 60 days of the date of application;

c) as a matter of municipal policy or practice, or on the basis of information obtained from the applicant's mortgagee, if any, it is reasonably certain that a tax lien foreclosure will result in subsequent eviction from the residential property; and

d) the applicant, with sufficient notice, applies for property tax relief through the Maine Resident Property Tax Program, when available.

6) Housing maximums. The maximum levels of housing assistance contained in this ordinance have been derived either from a locally accomplished fair market rental survey or the fair market rental values developed by the United States Department of Housing and Urban Development (HUD). If the maximum levels of housing are derived from the HUD values made effective as of every October 1, and adjusted to disregard the current and averaged utility allowances as developed by the Maine State Housing Authority, those levels are hereby incorporated by reference. If and when the maximum levels of housing contained in this ordinance are derived from a locally developed fair market rental survey, a record of that survey will be submitted to the Department of Human Services, General Assistance Unit, and the maximum levels of housing assistance will be incorporated into this ordinance pursuant to the ordinance adoption and amendment procedures found at 22 M.R.S.A. § 4305.

The maximum amounts allowed for housing are:

Refer to “General Assistance Manual” by Maine Municipal Association.

F. Utilities. Expenses for lights, cooking, and hot water will be budgeted separately if they are not included in the rent. Applicants are responsible for making arrangements with the utility company regarding service, including entering into a special payment arrangement if necessary.

G. Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not obligated to pay back bills or utility security deposits. Exceptions may be made in emergency situations pursuant to Section 7-409. Disconnection of utility service will not be considered an emergency in all cases. The administrator will make an individual, factual analysis to determine if the termination of utility service constitutes an emergency. The administrator will consider the household composition, the time of year, the age and health of the household members, and other appropriate factors in reaching a decision. Applicants who had sufficient income, money, assets or other resources to pay their utility bill when it was received, but who spent all or part of their income on items which were not basic necessities, will not be eligible to receive general assistance to replace those funds. Applicants have the burden of providing evidence of their income and use of income for the applicable time period (22 M.R.S.A. § 4308.2, see Section 7-409). The administrator will notify applicants in writing that they must give the administrator prompt notice if their utility service is to be terminated or if their fuel supply is low. It is the applicant's responsibility to attempt to make arrangements with the utility company to maintain their service and to notify the administrator if assistance is needed with a utility bill prior to service being terminated.

1) Electricity maximums for households without electric hot water. The maximum amounts allowed for utilities for lights, cooking, and other electric uses, excluding electric hot water are:

Refer to “General Assistance Manual” by Maine Municipal Association.

2) Electricity maximums for households that use electrically heated hot water. The maximum amount allowed for electric utilities for dwelling units that have electrically heated hot water shall be $70 per month for the first member of the household, with an additional $10 per month for each additional household member.

   Refer to “General Assistance Manual” by Maine Municipal Association.

   NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum amount for fuel as provided below.

   In accordance with the following conditions, the administrator may allow as a budgetable expense the amount of an applicant's summer-loaded special payment arrangement (SPA) or budget payment arrangement (BPA), as calculated by the electric utility and entered into by the applicant, even when the arranged payment amount exceeds the above maximums or actual usage:

   a) The SPA or BPA, when annualized, does not exceed the above monthly maximums, when annualized, for non-electrically heated dwelling units.

   b) The SPA or BPA, when annualized, does not exceed the above monthly maximums and the fuel assistance maximums, when annualized, for electrically heated dwelling units.

   c) The administrator determines, in consultation with the utility, that the payment arrangement does not include in any part the installment payment of past debt unless the municipality guaranteed to the utility the allowance of such an arrangement as a condition of averting a disconnection.

      Pursuant to the use-of-income requirements in Section 7-606 of this Chapter, whenever the administrator budgets for SPA's or BPA's under this section, the recipient will be required to pay the SPA or BPA him or herself to the extent of the income capacity of the household.

3) Non-electric Utilities. The allowed amount for water and sewer utility service will be budgeted at the actual 30-day cost for those services.

H. Fuel Expenses for home heating will be budgeted according to the actual need for fuel during the heating season (September through May) provided such expenses are reasonable, and at other times during the year when the administrator determines the request for fuel assistance is reasonable and appropriate.

I. Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not responsible for back bills except in an emergency as provided in Section 7-409. Applicants are responsible for monitoring their fuel supply and requesting assistance prior to depleting their fuel supply. When applicants who have been informed of this responsibility run out of fuel nonetheless, and can show no just cause for failing to give the administrator timely notice of their need for fuel, the administrator shall find that the emergency was not beyond the applicants' control, and process the emergency request accordingly, pursuant to Section 7-409 of this Chapter.

J. When considering requests for heating fuel, eligible applicants will be granted assistance with the actual amount necessary up to the following maximums:

K. Refer to “General Assistance Manual” by Maine Municipal Association.

L. When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon.

M. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

N. Personal care and household supplies. Expenses for ordinary personal and household supplies will be budgeted and allowed according to the applicant's actual need for these items, up to the maximums below. Personal and household supplies include: hand soap, toothpaste, shampoo, shaving cream, deodorant, dish detergent, laundry supplies and costs, household cleaning supplies, razors, paper products such as toilet paper, tissues, paper towels, garbage/trash bags, and light bulbs.

O. Refer to “General Assistance Manual” by Maine Municipal Association.

P. When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

Q. Refer to “General Assistance Manual” by Maine Municipal Association.

R. Other basic necessities. Expenses falling under this section will be granted when they are deemed essential to an applicant's or recipient's health and safety by the general assistance administrator and, in some cases, upon verification by a physician. Assistance will be granted only when these necessities cannot be obtained through the utilization of available resources.

1) Clothing. The municipality may assist a household with the purchase of adequate clothing. Before assistance will be granted for clothing, the general assistance administrator must be satisfied that the applicant has utilized all available resources to secure the necessary clothing. In some circumstances, clothing will be a postponable item. Exceptions to this would be, for example, if fire, flood or unusually cold weather makes extra clothing an immediate necessity, special clothing is necessary for the applicant's employment, or a household member is without adequate clothing.

2) Medical. The municipality will pay for essential medical expenses, other than hospital bills (see below), provided that the municipality is notified and approves the expenses and services prior to their being made or delivered. Medical expenses include prescriptions, devices, treatments, or services that are determined to be medically necessary by a licensed physician. The municipality will grant assistance for medical services only when assistance cannot be obtained from any other source and the applicant would not be able to receive necessary medical care without the municipality's assistance. The applicant is required to utilize any resource, including any federal or state program, that will diminish his/her need to seek general assistance for medical expenses. The municipality will grant assistance for non-emergency medical services only if a physician verifies that the services are essential. Provided there is no cost to the applicant, the administrator may require a second medical opinion from a physician designated by the municipality to verify the necessity of the services.

Generally, the municipality will issue general assistance at the established Medicaid rates for all medical services, prescriptions, or other medical commodities. Before authorizing general assistance for any medical expenses, the administrator will inform the pharmacy or medical service provider of the municipality's intention to pay for the medical service at the Medicaid rate, and ask to be billed accordingly.

Ordinary medical supplies/non-prescription drugs will be budgeted at the actual amount when the applicant can demonstrate a need for such items. Allowable supplies include bandages, aspirin, cough syrup, and other generic brand, non-prescription medicines. In addition, the basic monthly rate for telephone service will be budgeted when a telephone is essential to the health and safety of the household. In order for telephone service to be considered an allowable expense the applicant must provide a written statement from a physician certifying that the telephone is essential.

3) Hospital bills. In the event of an emergency admission to the hospital, the hospital must notify the administrator within 5 business days of the admission. Notification must be by telephone, confirmed by certified mail, or by certified mail only. If a hospital fails to give timely notice to the administrator, the municipality will have no obligation to pay the bill.

   Any person who cannot pay his/her hospital bill must apply to the hospital for consideration under the hospital's charity care program as provided in Title 22 M.R.S.A. § 396-F(1). Anyone who is not eligible for the hospital's charity care program may apply for general assistance. Applicants must apply for assistance within 30 days of being discharged from the hospital and provide a notice from the hospital certifying that they are not eligible for the hospital's charity care program.

   Before the administrator will consider whether to allow a hospital bill as a necessary expense, the applicant must enter into a reasonable payment arrangement with the hospital. The payment arrangement will be based upon the Medicaid rate. In determining an applicant's eligibility, the municipality will budget the monthly payment to the hospital the applicant has agreed to pay. The applicant's need for assistance with a hospital bill will be considered each time he/she applies by including the amount of the bill in the applicant's monthly budget, but the recipient will be responsible for making any necessary payments to the hospital pursuant to the use-of-income requirements found at Section 7-606 of this Chapter.

4) Dental. The municipality will pay for medically necessary dental services only. As is the case with medical services generally, the municipality will issue general assistance for dental services at the established Medicaid rates for those services, and before authorizing the general assistance benefit for dental services, the administrator will inform the dentist or dental surgeon of the municipality's intention to pay at the Medicaid rate. If full mouth extractions are necessary, the municipality will pay for dentures provided the applicant has no other resources to pay for the dentures. The applicant will be referred to a dental clinic in the area whenever possible. The administrator will expect the applicant to bear a reasonable part of the cost for dental services, including extractions and dentures, taking into account the applicant's ability to pay.

5) Eye care. In order to be eligible to receive general assistance for eyeglasses, an applicant must have his/her medical need certified by a person licensed to

practice optometry. The general assistance administrator will provide assistance for eyeglasses to eligible persons only after the applicant has exhausted all other available resources.

6) Work-related expenses. In determining need, reasonable and actual work-related expenses will be deducted from earned income. These expenses include transportation at the actual costs not to exceed $.28 per mile, child care costs, work clothes and supplies. The applicant is required to provide documentation substantiating the costs and that the expenses were necessary.

7) Travel expenses. In determining need, necessary travel which is not work-related will be budgeted if the applicant can satisfy the administrator that the prospective need for travel is necessary. For applicants in rural areas, weekly transportation to a supermarket will be considered, as will any medically necessary travel. The rate at which such necessary travel will be budgeted is revised periodically, and this rate shall be construed to subsidize all costs associated with automobile ownership and operation, including gas/oil, tires, maintenance, insurance, financing, licensing/registration, excise tax, etc. Refer to “General Assistance Manual” by Maine Municipal Association.

8) Burials, Cremations. Under the circumstances and in accordance with the procedures and limitations described below, the municipality recognizes its responsibility to pay for the burial or cremation of eligible persons.

   a) Funeral Director must give timely notice. In order for the municipality to be liable for a burial or cremation expense, the funeral director must notify the administrator prior to the burial or cremation or by the end of the next business day following the funeral director' receipt of the body, whichever is earlier (22 M.R.S.A. §4313.2). This contact by the funeral director shall begin the process of developing an application for burial/cremation assistance on behalf of the deceased. It is the funeral director's responsibility to make a good-faith effort to determine if the family or any other persons are going to pay all or part of the burial expenses. If family members or others are unable to pay the expenses, and the funeral director wants the municipality to pay all or part of the expenses, the funeral director must make timely contact to the municipal administrator. In addition, the funeral director may refer legally liable relatives to the administrator so that a timely determination of financial capacity may be accomplished.

   b) Application for assistance shall be created on behalf of the deceased. For the purposes of determining residency, calculating eligibility and issuing general assistance for burial or cremation purposes, an application for assistance shall be created by the administrator on behalf of the deceased.

      With regard to residency, the municipality of responsibility for burial expenses shall be the municipality in which the eligible deceased person was a resident at the time of death as residency is determined under Section 7-410 of this Chapter.

      Although legally liable relatives may be asked to provide information regarding their income, assets, and basic living expenses, that information will not be construed as an application for general assistance inasmuch as living persons are not eligible for burial assistance. To clarify this point of law, although legally liable relatives have a financial responsibility to pay for the burial or cremation of their relatives, that financial responsibility only

exists to the extent the legally liable relatives have a financial capacity to do so. Therefore, legally liable relatives who are eligible for general assistance, by virtue of their eligibility, have no legal obligation to pay for the burial or cremation of their relatives. For these reasons, all general assistance issued for burial or cremation purposes shall be issued on behalf of, and in the name of, the deceased.

c) The financial responsibility of certain family members. Grandparents, parents, siblings, children and grandchildren of the deceased, who live in Maine or own property in Maine, are financially responsible for the burial or cremation of the deceased to the extent those relatives, individually or as a group, have a financial capacity to pay for the burial or cremation either in lump sum or by means of a budgeted payment arrangement with the funeral home. Accordingly, at the request of the administrator, all legally liable relatives must provide the municipal administrator with any reasonably requested information regarding their income, assets, and basic living expenses.

d) Consideration of the financial responsibility of family members. Generally, when the administrator can make a finding that one or more of the deceased's legally liable relatives have an obvious and demonstrable financial capacity to pay for the burial or cremation, by lump sum payment or by means of a reasonable payment arrangement, the municipality will not grant the requested burial or cremation assistance. When the administrator is unable to make such a finding, the following proration of familial responsibility will be implemented.

e) Proration of familial responsibility. A proration of familial financial responsibility will be used when no legally liable relative possesses an obvious and demonstrable capacity to pay for the burial or cremation, but one or more of the financially liable relatives is found to have a financial capacity to make a partial financial contribution, or the administrator is unable to determine the financial capacity of one or more of said relatives. Under these circumstances, each legally liable relative is considered to be responsible for his or her prorata share of the total municipal contribution that would exist if no legally liable relatives had a financial capacity to contribute. Furthermore, and as long as all other eligibility factors have been satisfied, the municipality will provide as a burial or cremation benefit the aggregate of all prorata shares less the share of any legally liable relative who refuses to cooperate with the administrator by providing information or documentation reasonably necessary to determine that relative's financial capacity, and less any share or part of a share attributable to a legally liable relative who can financially contribute or partially contribute toward the burial or cremation to the extent of that relative's share.

f) Ten days to determine eligibility. The administrator may take up to 10 days from the date of contact by the funeral director to issue a written decision regarding the amount of the municipal contribution toward the burial or cremation. The 10-day eligibility determination period from the date of contact by the funeral director shall be used as necessary to make third-party collateral contacts, verify the listing of legally liable family members and determine their respective financial capacities to contribute to the burial or cremation, contact the personal representative of the deceased's estate, if

any, and other related administrative tasks. The administrator shall not use this 10-day period allowed by law to unreasonably delay the municipality's decision.

g) The municipal obligation to pay when legally liable relatives or others can contribute. The figures provided in this section are the maximum benefits provided by the municipality when no contributions toward the burial or cremation are available from any other source. To the extent any legally liable relatives of the deceased have a financial capacity to pay for the burial or cremation, that financial capacity shall be deducted from the maximum burial costs allowed by this Section. In addition, any other benefits or resources that are available, such as Social Security burial benefits, veterans' burial benefits, or contributions from other persons, will be deducted from the maximum amount the municipality will pay, except there will be no deduction from the municipal benefit level with respect to any contribution provided for the purpose of publishing an obituary notice up to an aggregate contribution limit for this purpose of $75 when a paid receipt demonstrating the purchase of an obituary notice is provided to the administrator.

h) Burial expenses. The administrator will respect the wishes of family members with regard to whether the deceased is interred by means of burial or cremated. The maximum amount of general assistance granted for the purpose of burial is $1,125, with additional payments, where there is an actual cost, for: (i) the wholesale cost of a cement liner if the cemetery by-laws require one; (ii) the opening and closing of the grave site; and (iii) a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally-owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to: removal of the body from a local residence or institution; a secured death certificate or obituary; embalming; a minimum casket; a reasonable cost for necessary transportation; and other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

i) Cremation expenses. In the absence of any objection by any family members of the deceased, or when neither the administrator nor the funeral director can locate any family members, the administrator will issue general assistance for cremation services. The maximum amount of assistance granted for a cremation shall be $785, with additional payments, where there is an actual cost, for a cremation lot in the least expensive section of the cemetery, a reasonable cost for a burial urn not to exceed $50, and transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

9) Capital improvements. The costs associated with capital improvements/repairs (e.g., heating/water/septic system repair) will generally not be budgeted as a basic necessity. Exceptions can be made only when the capital improvement/repair has been pre-approved by the administrator as a

necessary expense and the monthly cost of the capital improvement/repair has been reduced as far as reasonably possible; for example, by means of the applicant entering into an installment payment arrangement with the contractor. The administrator may grant general assistance for capital improvements when:

a) The failure to do so would place the applicant(s) in emergency circumstances;

b) There are no other resources available to effect the capital repair; and

c) There is no more cost-effective alternative available to the applicant or municipality to alleviate an emergency situation. In some cases, the entire immediate cost of the capital improvement can be mitigated by the applicant entering into an installment payment arrangement with a contractor. The municipality reserves the right to place a lien on any property pursuant to 22 M.R.S.A. § 4320 when general assistance has been used to effect a capital improvement. The lien process shall be accomplished in the same manner as for mortgage payments, as described in paragraph B above.

Sec. 7-609 Notice of Decision

1. Written decision. The administrator will give a written decision to each applicant after making a determination of eligibility each time a person applies. The decision will be given to the applicant within 24 hours of receiving an application (22 M.R.S.A. § 4305.3; See Subchapter IV, Section 7-406).

   In order to ensure that applicants understand their rights, it is the responsibility of the general assistance administrator to explain the applicants' right to a fair hearing in the written notice of decision.

2. Contents. After an application has been completed, applicants will be given written notice of any decision concerning their eligibility for assistance. In addition to the contents of a written decision listed in Section 7-406 of this Chapter, the notice will state that applicants:

   A. Have the right to a fair hearing and the method by which they may obtain a fair hearing and;

   B. Have the right to contact the Department of Human Services if they believe the municipality has violated the law. The decision will state the method for notifying the department.

3. Disbursement of general assistance. Except when determined impractical by the administrator, all general assistance will be provided in the form of a voucher or purchase order payable to a vendor or through direct municipal payment to a provider of goods or services. General assistance will not be issued in the form of a cash payment to an applicant unless there is no alternative to making such a cash payment, in which case the administrator shall document the circumstances for issuing general assistance in the form of cash. (22 M.R.S.A. § 4305.6).

ARTICLE 7 THE FAIR HEARING

Sec. 7-701 Right to a Fair Hearing

Within 5 working days of receiving a written notice of denial, reduction or termination of assistance, or within 10 working days after any other act or failure to act, the applicant or his/her authorized representative has the right to request a fair hearing (22 M.R.S.A. § 4322). The right to review a decision of the general assistance administrator is a basic right of the applicant to a full evidentiary hearing and is not limited solely to a review of the decision [Carson v. Oakland, 42 A.2d 170 (Me. 1982); Thibodeau v. Lewiston, Andro. Sup. Ct. # CV-78-388].

Sec. 7-702 Method of Obtaining a Fair Hearing

Upon receiving notification of the decision of the general assistance administrator, all claimants will be informed of the method of obtaining a fair hearing. All complaints that are not clear requests for a fair hearing will be answered by a personal interview or in writing by the general assistance administrator. If the client is satisfied with the adjustment or explanation, the administrator will make an entry in the case record and file any correspondence involved.

1. Written request. To obtain a fair hearing, the claimant, or his/her authorized representative, must make a written request within 5 working days of receiving the administrator's decision to grant, deny, reduce or terminate assistance, or within 10 working days after any other act or failure to act. The administrator will make available a printed form for requesting a fair hearing and will assist the claimant in completing it if necessary. On the printed form, the claimant will give the following information:
   A. The decision on which review is sought;
   B. The reason(s) for the claimant's dissatisfaction and why the claimant believes he/she is eligible to receive assistance; and
   C. The relief sought by the claimant.
   D. The administrator cannot deny or dismiss a request for a hearing unless it has been withdrawn by the claimant.
2. Scheduling the fair hearing. Upon receipt of the completed written request the fair hearing authority must meet and hold the hearing within 5 working days. The administrator will notify the claimant in writing when and where the hearing will be held (22 M.R.S.A. § 4322). In addition to the date, time and place of the hearing, the notice of fair hearing sent to the claimant shall include, at a minimum, the claimant's rights to:
   A. Be his or her own spokesperson at the fair hearing, or be represented by legal counsel or other spokesperson at the hearing, at the claimant's own expense;
   B. Confront and cross-examine any witnesses presented at the hearing against the claimant; and
   C. Present witnesses on his or her own behalf.
   D. Arrangements for the date, time, and place of the hearing will take into consideration the convenience of the claimant and hearing authority. The claimant will be given timely notice to allow for preparation and will also be given adequate preliminary information about the hearing procedure to allow for effective preparation of his/her case.

Sec. 7-703 The Fair Hearing Authority

The municipal officers will appoint a fair hearing authority that will review decisions of the general assistance administrator when requested by any claimant or the claimant's authorized representative. The authority is charged with the responsibility of ensuring that general assistance is administered in accordance with the state law and local ordinance. The fair hearing authority shall be the board of appeals created under 30-A M.R.S.A. § 2691 and Section 2-106 of this Code. (22 M.R.S.A. § 4322). In determining the organization of the fair hearing authority, the municipal officers will use the following criteria. The person(s) serving as fair hearing authority must:

1. Not have participated in the decision which is the subject of the appeal;
2. Be impartial;
3. Be sufficiently skilled in interviewing techniques to be able to obtain evidence and the facts necessary to make a fair determination; and
4. Be capable of evaluating all evidence fairly and realistically, explaining to the claimant the laws and regulations under which the administrator operated, and interpreting to the administrator any evidence of unsound, unclear, or inadequate policies, practices or actions.

Sec. 7-704 Fair Hearing Procedure

When a claimant requesting a fair hearing is notified of the date, time, and place of the hearing in writing, he/she will also be given adequate preliminary information about the hearing procedure to allow for effective preparation of his/her case. The claimant shall be permitted to review his/her file prior to the hearing. At a minimum, the claimant will be told the following information, which will govern all fair hearings. All fair hearings will:

1. Be conducted privately, and will be open only to the claimant, witnesses, legal counsel, or others whom the claimant wants present, and the general assistance administrator, his/her agents, counsel and witnesses;
2. Be opened with a presentation of the issue by the fair hearing authority;
3. Be conducted informally, without technical rules of evidence, but subject to the requirements of due process;
4. Allow the claimant and the administrator the option to present their positions for themselves or with the aid of others, including legal counsel;
5. Give all participants an opportunity to present oral or written testimony or documentary evidence, offer rebuttal; question witnesses presented at the hearing; and examine all evidence presented at the hearing;
6. Result in a decision, based exclusively on evidence or testimony presented at the hearing; and
7. Be tape recorded, and result in a written decision that is given to the claimant and filed with evidence introduced at the hearing. The fair hearing authority will allow the claimant to establish all pertinent facts and circumstances, and to advance any arguments without undue interference. Information that the claimant does not have an opportunity to hear or see will not be used in the fair hearing decision or made part of the hearing record. Any material reviewed by the fair hearing authority must be made available to the claimant or his/her representative. The claimant will be responsible for preparing a written transcript if he/she wishes to pursue court action.

   The fair hearing authority shall admit all evidence if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. (22 M.R.S.A. §4322).

Sec. 7-705 The Fair Hearing Decision

1. Notice. The decision of the fair hearing authority will be binding on the general assistance administrator, and will be communicated in writing to the claimant within 5 working days after completion of the hearing. A copy of the notice of the decision will be given to the claimant. The hearing record and the case record will be maintained by the general assistance administrator.
2. Content of notice. Written notice of the decision will contain the following:
   A. A statement of the issue;
   B. Relevant facts brought out at the hearing;
   C. Pertinent provisions in the law or of this Chapter (General Assistance) related to the decision; and
   D. The decision and the reasons for it.
   E. The written notice of the decision will state that if the claimant is dissatisfied with the fair hearing decision, he/she has a further legal right to appeal the decision pursuant to the Maine Rules of Civil Procedure, Rule 80B. To take advantage of this right, the claimant must file a petition for review with the Superior Court within 30 days of receipt of the fair hearing decision.
   F. When the decision by the fair hearing authority or court authorizes assistance to the claimant, the assistance will be provided within 24 hours.

ARTICLE 8 RECOVERY OF EXPENSES

Sec. 7-801 Recovery of Expenses

1. Recipients. The municipality may recover the full amount of assistance granted to a person from either the recipient or from any person liable for the recipient, or his/her executors or administrators in a civil action. Prior to taking a recipient to court to recover the amount of assistance, the municipality will seek voluntary repayment from the recipient by notifying him/her in writing and discussing it with the recipient. The municipality shall not attempt to recover such costs if, as a result of the repayment, the person would again become eligible for general assistance (22 M.R.S.A. § 4318).
2. Recipients anticipating workers' compensation benefits. The municipality shall claim a lien for the value of all general assistance payments made to a recipient on any lump sum payment made to that recipient under the Workers' Compensation Act or similar law of any other state (22 M.R.S.A. § 4318, 39-A M.R.S.A. §106). After issuing any general assistance on behalf of a recipient who has applied for or is receiving Workers' Compensation, the municipality shall file a notice of the municipal lien with the general assistance recipient and the Office of Secretary of State, Uniform Commercial Code division. The notice of lien shall be filed on a UCC-1 form which must be signed by the recipient of general assistance who has applied for or is receiving Workers' Compensation. Any general assistance applicant who has applied for or who is receiving Workers' Compensation benefits and who refuses to sign a properly prepared UCC-1 form will be found ineligible to receive general assistance until he or she provides the required signature. The municipality shall also send a photocopy of that filing to the recipient's Worker's Compensation attorney, if known, the applicant's employer or the employer's insurance company, and, at the administrator's discretion, to the Workers' Compensation Board. The lien shall be enforced at the time any lump sum Workers' Compensation benefit is issued.
3. Recipients of SSI. All applicants who receive general assistance while receipt of their Supplemental Security Income (SSI) assistance is pending or suspended, and which therefore may be retroactively issued to the applicant at a later date, will be required to sign a statement on an Interim Assistance Agreement form distributed by the Department of Human Services that authorizes the Social Security Administration to direct a portion of any retroactive SSI payment to the municipality and/or the state in repayment for the general assistance granted. Any general assistance applicant who has applied for or who may be applying for SSI, or who may be required to apply for SSI pursuant to 22 M.R.S.A. §4317, and who refuses to sign the Interim Agreement SSI authorization form will be found ineligible to receive general assistance until he or she provides the required signature (22 M.R.S.A. §4318).
4. Relatives The spouse of an applicant, and the parents of any applicant under the age of 25, are liable for the support of the applicant (22 M.R.S.A. §4319). In addition, grandchildren, children, siblings, parents and grandparents are liable for the burial costs of each other. The municipality considers these relatives to be available resources and liable for the support of their relatives in proportion to their respective ability. The municipality may complain to any court of competent jurisdiction to recover any expenses made on the behalf of a recipient if the relatives fail to fulfill their responsibility. (22 M.R.S.A. § 4319).

ARTICLE 9 SEVERABILITY

Sec. 7-901 Severability

Should any section or provision of this Chapter be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Chapter.

[Derivation of this Chapter: General Assistance Ordinance (MMA) as adopted_____, 1993

Reviewed and revised as appropriate on an annual basis

APPENDIX 1

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